Health Canada   Santé Canada

Smoke-Free Public Places:

You Can Get There

Canada

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maintain and improve their health.

Health Canada

Published by authority of the
Minister of Health

Également disponible en français sous le titre
Lieux publics sans fumée : vous pouvez y arriver

This publication can be made available in/on computer
diskette/large print/audio-cassette/braille upon request.

© Her Majesty the Queen in Right of Canada, 2004
Cat. H46-2/04-353E
ISBN 0-662-36828-2

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Introduction

Across Canada, communities large and small are implementing by-laws protecting their citizens from the dangers of second-hand smoke. Long-term exposure to second-hand smoke may cause lung cancer, heart disease, asthma and strokes.[1] Not only do by-laws which restrict smoking in public places help non-smokers breathe easier, they have added benefits of reducing overall smoking behaviour,[2] generating increased public awareness about tobacco issues and helping to change social norms related to smoking.[3]

Many municipalities in Canada have the power to enact by-laws which will protect children, seniors, pregnant women, restaurant workers and bartenders from the ill effects of second-hand smoke exposure. To date, more than 300 communities in Canada have by-laws or policies restricting smoking in public places, and this number continues to grow.[4, 5]

Why? Because these communities–and many others which have begun to look at the by-law process–are waking up to the fact that second-hand smoke–also known as passive smoke or environmental tobacco smoke (ETS)–is too damaging to ignore. On average, Canadians spend a large percentage of their time indoors, making indoor smoke-free public places a very cost-effective public health action. Not only is this intervention available to municipalities to help improve the health of their communities, but strong by-laws may also help to alleviate pressures and costs related to tobacco use on our health care system.

This guidebook is designed to help you–the people in communities who want to work with your municipal government partners–to make your communities healthier. It provides an overview of the key issues related to by-law development and outlines the steps required to make your communities smoke-free. It also offers practical tools and resources to help you along the way. In addition you'll find five detailed stories of communities that have implemented by-laws and a sixth study, from Quebec, of a community that is in the process of doing so.

The information in these resources is based on research sponsored by Health Canada, including:

- In-depth interviews with 44 individuals from across the country who have been instrumental in non-smoking by-law work.
- A detailed look at five communities with substantial non-smoking by-law experience, and one community that is trying to bring forth a by-law.
- Results of the pilot testing of the draft version of this resource in ten diverse Canadian communities.

  See "We've used it…" below.
- An extensive review of existing non-smoking by-law tools and resources, including print and online materials. The existing materials were produced by a host of pro-health organizations and generously shared with Health Canada.

In particular, this guidebook offers a strong basis for discussion and further initiatives. The people who have worked, often tirelessly, on non-smoking by-laws agree that information and expertise in this area must be shared.

Communities considering non-smoking legislation need not feel that they are embarking on the process alone. By working together we will all benefit from clean air.

We've used it...

Samples of feedback provided to Health Canada by the pilot sites who used the draft version of the guidebook:

"The Guidebook is an excellent tool."

" We are now seeing results that we only thought about before."

"The Guidebook made users feel confident and empowered."

"We have solid facts and can deal with rumours."

"The Guidebook plus local statistics is very powerful."

"The quality was there in the Guidebook to enable us to present to the business sector and to respond to challenges."

"The Guidebook provided information to develop a very professional, eye-catching brochure with outstanding validity and accuracy."

"The case studies helped the City Clerk's office understand what issues we should really try to address in the public relations strategy."

"The Guidebook breaks down major concepts into easily understood elements."

"Get it at the beginning and read it all before you begin."

"Get it out there–into peoples' hands."

Disclaimer:

The information contained in this document does not purport to constitute or replace legal advice. Any person who wishes to develop and pass by-laws should seek independent legal counsel.

Part 1

Overview

Part 1: Overview

What are smoke-free by-laws?

A smoke-free by-law for public places is legislation which protects citizens from the dangers of second-hand smoke in areas where the general public is invited or permitted to access. This legislation is usually enacted at local or municipal levels in Canada, as the federal government does not have jurisdiction in the majority of these premises. An increasing number of provinces and territories are moving towards banning smoking in many public places. Most provinces give authority tc municipalities to enact more stringent smoking restrictions. (The situation in the province of Quebec is unique and is discussed later). Although individual by-laws may differ, public places are typically considered to be the whole or part of indoor areas such as restaurants, bars, arenas, retail establishments, shopping malls and other places of public assembly and access. As well, individual by-laws may include certain stipulations and/or exemptions for some indoor places. However, from a health perspective, the ideal option is smoke-free legislation, which prohibits smoking in all indoor places, with no allowances for designated smoking areas. Most principles in this guidebook apply to all indoor spaces including workplaces. Some unique considerations for workplaces that are not considered public places are included in guidebook sections where applicable. Health Canada has addressed smoke-free workplaces more comprehensively in "Towards a Healthier Workplace: A Guidebook on Tobacco Control Policies" (2004).[6]

Why do we need smoke-free public places?

Health, health, health

The harmful health effects of second-hand smoke are now well known, and yet exposure to the dangers is still common in many public places and workplaces. Exposure to second-hand smoke causes at least 1,000 deaths per year among non-smokers in Canada from lung cancer and heart disease alone.[7,8] Second-hand smoke is the single largest source of indoor air pollution and contains a mixture of nearly 4,000 chemicals–more than 50 of which are carcinogens (cancer-causing agents).[9]

Many Canadian service industry employees are exposed to second-hand smoke in their workplaces. Chemical concentration of second-hand smoke is, on average, 4 to 6 times higher in bars and 1.6 to 2 times higher in restaurants than offices where smoking is allowed.[10] Restaurant, bar and casino workers are therefore especially at risk from workplace exposure to second-hand smoke. It has been demonstrated that the long-term, regular exposure of food service workers to second-hand smoke can result in this group having a higher rate of lung cancer than the general population.[11]

The Ontario Tobacco Research Unit reviewed the major scientific studies on second-hand smoke and they concluded that their message is clear, consistent and unanimous…

All involuntary exposure to tobacco smoke is harmful and should be eliminated.[12]

Economics

Smoking is costly both in terms of loss of human life and money paid out for health care. Health Canada has estimated that the societal costs of smoking are approximately $15 billion, of which $3.5 billion was spent on direct health care. The remaining $11.5 billion was from lost productivity, including foregone household income.[13]

Second-hand smoke is also costly to businesses. The Conference Board of Canada (1997) found that the average cost associated with employing a smoker was $2,565 each year! This amount was a result of $230 for increased absenteeism, $2,175 for decreased productivity, $75 for increased life insurance premiums and $85 for cleaning and maintaining a smoking area.[14]

A common concern among businesses is the fear that smoke-free by-laws will cause financial loss. However, a review of independent studies based on sales tax receipts confirms that the hospitality industry does not lose business when bars and restaurants go smoke-free.[15] In addition, studies show that after going smoke-free, insurance costs are lower, cleaning costs are reduced, there is less damage to furniture and equipment and there is less risk of fire.[16] While it is true that just after smoke-free by-laws are implemented, some businesses feel the effects, after a short adjustment period most businesses get back to their usual level of sales and many even increase sales, based on a whole new market of people who were staying home because they don't like or can't tolerate second-hand smoke.

One year after a smoking ban was introduced in restaurants and bars in Victoria, B.C., business trends confirmed a public opinion survey that found the public was frequenting these places as often or more often.[16] The B.C. Liquor Distribution Branch found an increase in hospitality beverage sales in the Capital Regional District in the first nine months after the by-law came into effect as compared to the same period the previous year. The Workers' Compensation Board of B.C. (WCB) found an increase in the number of persons hired by the hospitality industry after by-law implementation as captured by increased premiums paid to the WCB by this sector. There was also a decrease in the number of food establishment closures from 271 in 1998 to 189 in 1999, based on the number of Capital Health Region food establishment operating permits issued. According to a recent study by researchers at the Ontario Tobacco Research Unit, instituting a smoke-free by-law in public places like bars and restaurants had no negative impact on food and drink sales in the City of Ottawa.[17]

Ottawa implemented its non-smoking by-law in all work and public places on August 1, 2001. Enforcement began in September, with the city achieving a 95% compliance rate. The researchers used data from the Ontario Ministry of Finance (March, 1998 to June, 2002) detailing provincial and GST taxable sales of licensed restaurants and bars and unlicensed restaurants, and adjusted sales for inflation. They also controlled for September 11, 2001 terrorist attacks and other factors. They found that, relative to rising retail sales, bar and restaurant sales in Ottawa have remained relatively constant since early 2000.

Policies restricting smoking in public places may also have the added benefit of reducing overall smoking prevalence among the general public.[18] Not only will this help to improve health, but fewer people smoking means a lower financial burden on Canadian society.

Fairness

Opponents of smoke-free by-laws argue that individual rights and freedoms are being taken away. Smoke-free by-laws do protect individual rights–the right to breathe clean air. The issue is not taking away the right to smoke a legal product, but to give smokers and non-smokers the right to breathe clean air in places open to both.

Many communities have found that business owners may want to go smoke-free but will not do so until there is a level playing field. A *level playing field* means that geographical areas in close proximity are under the same non-smoking by-laws, and also that exemptions are not granted to any one type of establishment (i.e. restaurants are treated the same as bars). Some industry representatives maintain that by-laws that distinguish between bars and restaurants are unfair, especially since many bars offer menus similar to those available at restaurants. They also want assurances of a level playing field to protect their customer base and suggest province-wide standards as a solution.

As well, fairness means that designated smoking rooms (DSRs) should not be permitted. DSRs, which are typically separately ventilated to the outside, are costly to install and have not proven to be effective in eliminating the hazards of environmental tobacco smoke. Permitting the use of DSRs could be perceived as giving a financial advantage to larger establishments over the smaller, "mom and pop" places. In addition they clearly do not protect workers in hospitality industries who have to enter these rooms. These workers are often young and non-unionized, and are less likely to ask for protection from second-hand smoke. Workers would not be expected nor permitted to be routinely exposed to similar levels of chemical risks in a manufacturing industry.

Bingo halls and bowling centres should be included as public places under the by-law in order to protect their non-smoking clients, volunteers from charitable organizations and employees from second-hand smoke. In the case of bowling centres, children are often present. To create a truly level playing field, all public places should follow the same rules.

Public support

Public support is considered a key marker for successful smoke-free regulation. The National Population Health Survey (1994-1995 and 1996-1997) indicated that 88 percent of current smokers and 95 percent of non-smokers believed that non-smokers should have a non-smoking work environment.[19]

According to the Canadian Tobacco Use Monitoring Survey (2003), 50% of all respondents believed that smoking should not be allowed in restaurants. Another 32% believed that smoking should only be allowed in enclosed sections. Regarding smoking in bars and taverns, 34% believed it should not be allowed and 26% believed it should only be allowed in enclosed sections.[20] In British Columbia, a September, 2001 Ipsos-Reid survey revealed that 60 percent disagreed with a provincial government decision to overrule the WCB on a decision designed to protect workers from second-hand smoke in bars and restaurants.[21]

To get a by-law passed, you will need to demonstrate widespread public support through public opinion surveys and mobilize a wide range of community interests. It is important to have support from labour and education representatives, seniors, the provincial medical association, cancer and lung patients, young people and their parents, and the major health charities. Groups which may be fronts for the tobacco industry may pop up while by-law discussions are occurring, and approach politicians with undocumented evidence of lack of business and public support. Good solid local evidence will be important to counter these falsehoods.[22]

How do we become smoke-free?

Smoke-free legislation is the best tool available at the municipal level to provide public protection from second-hand smoke. Provinces have the legislative authority to prohibit smoking in public places and workplaces, however most provinces devolve this authority to municipalities. The process does not apply in Quebec, which has provincial non-smoking legislation. Community groups in Quebec have focused on reducing the implementation time-lines contained in the provincial legislation, lobbying the province to amend the legislation to give municipalities jurisdiction, and supporting provincial enforcement efforts.
A non-exhaustive list of enabling information related to the making of non-smoking by-laws in Canadian provinces and territories can be found in Appendix A of this section. Although the process may vary slightly in different provinces, generally decisions about legislation follow the following pattern:[23]

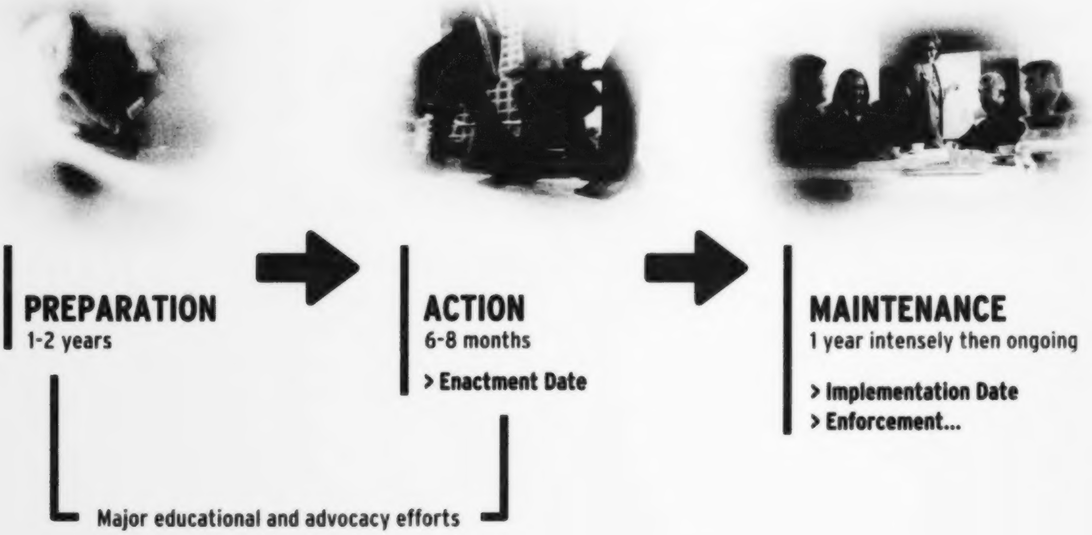
1. A proposal for new legislation is released to the public for comment.
2. A full report along with the draft legislation is prepared for a committee of the municipal council. This committee reviews the report and the draft legislation. Presentations and deputations by the public are usually made at a committee meeting.
3. If the committee approves the draft legislation or some amended version, a report and draft legislation are referred to full municipal council for decision.
4. When the legislation is approved by the municipal council, the date for implementation and responsibility for enforcement is assigned.

Public consultation may occur at any step along the way depending on the direction from a municipal council.

Phases of smoke-free by-law development

The steps listed above appear straightforward but much more work is involved before, during and after to successfully achieve smoke-free public places. For the purposes of this guidebook, the process of achieving smoke-free public places is divided into three general phases: **Preparation**, **Action** and **Maintenance**. The key activities in each phase are overviewed here to show how the focus changes before and after a by-law is passed. The detailed steps in each phase are provided in Part 2 of this guidebook.

The Three Phases of Smoke-Free By-law Development



PREPARATION
1-2 years

ACTION
6-8 months
> Enactment Date

MAINTENANCE
1 year intensely then ongoing
> Implementation Date
> Enforcement...

Major educational and advocacy efforts

PHASE 1:

PREPARATION -DOING THE GROUNDWORK FOR SMOKE-FREE BY-LAWS

This phase, before a by-law is even drafted, may take several years depending on a variety of factors in your community such as existing legislation, smoking prevalence rates, awareness of the dangers of second-hand smoke and community support. Preparing for smoke-free public places legislation in your community will involve:

- Understanding the issues and your community.
- Establishing your team.
- Determining costs and funding.
- Mapping out your advocacy, communication and enforcement plans.
- Building support and awareness about the issue of second-hand smoke and the need for smoke-free public places.
- **End goal of Phase One:** Developing the draft legislation/by-law.

PHASE 2:

ACTION -GETTING THE SMOKE-FREE BY-LAW PASSED

The *Action* phase is the time during which decisions about smoke-free public places are being made in your community. This is a more intense period of 8-10 months, when advocacy campaigns, public consultations, report writing, media management and regular communication with the politicians occur. It is best to keep the time frame for this phase within one political term, as you will not want to repeat it with newly elected officials. Your goal at the end of this phase is to have the legislation for smoke-free public places approved by your municipal council. Preparing yourself well in Phase One will help you to manage this phase, though expect the unexpected and work with it. Steps in this phase include:

- Getting your community ready for action.
- Preparing for public meetings and municipal council.
- Working with the media.
- Dealing with opposition.
- Supporting your team.
- **End goal of Phase Two:** Legislation/by-law is passed.

PHASE 3:

MAINTENANCE -KEEPING THE SMOKE-FREE BY-LAW IN PLACE

This third phase will remain intense during the first year of implementation, as your community adjusts to the new legislation and to enforcement. You will need to keep the pressure on and the support high with the local politicians during this time, so they do not revisit their decision. Most jurisdictions have found that a strong education campaign, an equitable by-law, adequate resources for enforcement and a fair but firm approach to enforcement leads to early and strong compliance with smoke-free by-laws. After one year, continued monitoring and communication of the success of the by-law is warranted as well as proactive management of the media especially as it relates to any legal battles. In the long run as high compliance is achieved, enforcement costs will be reduced. Media interest will also die down because businesses discover they are surviving despite the by-law and in most cases are becoming more profitable. Most importantly, your citizens will be protected from the hazards of second-hand smoke in public places. Steps for consideration in this phase are:

- Educating your community about the new by-law.
- Monitoring public support and compliance.
- Managing the media.
- Preparing for legal cases.
- Celebrating your successes.
- **End Goal of Phase Three:** Establishing and implementing the enforcement process.

Mobilizing your community[24]

A key factor in successful smoke-free by-law development and implementation, perhaps the key factor is the ability to mobilize your community into action. Decision makers such as local politicians rely on public opinion and support in making decisions. Community mobilization activities are those which help to "get others on board" and to make changes that are bigger than any one player. A "community" can be defined as any group of interested citizens, a community of interest, a geographical entity or a coalition of partner organizations. A key consideration in developing a mobilization strategy is whether your group should take on the issue on your own, or together with others in the form of a coalition. Usually the most effective way to influence politicians is to form a coalition to show that there are many diverse groups, representing hundreds or thousands of voters, united on the issue.

Experience shows[25] that coalitions are most successful when they:

- Ensure that there is a defined and collective mission, i.e. all members know very clearly what they are trying to achieve.
- Choose a strong leader. A lot of decisions need to be made throughout a campaign and a lot of activities will need to be kept on track. Keep in mind that different kinds of leadership styles may be needed at different stages.
- Assign a core group the responsibility of planning the strategy. The core group can involve other coalition members, allies, and supporters in specific campaign activities.
- Develop an effective way to resolve conflicts. Many times there can be as much conflict among coalition members as there is between groups on different sides of an issue.
- Assemble sufficient resources–volunteers, staff, money, technical expertise, political know-how, and connections in the community –and a large number of supporters.
- Are flexible. Coalitions need to be prepared to adjust their approach to take advantage of unexpected opportunities or setbacks.
- Recognize that it takes time to establish process and work together.

Community representatives will want to work closely with staff from the local health department/unit during a by-law campaign, however, it is important to keep the activities of these two groups distinct. It is usually the role of public health to initiate a by-law campaign and to launch a formal public consultation process. Conversely, public health staff cannot actively pressure the public and politicians for their support on a political issue. This is the primary role of the community coalition.

A by-law campaign can be greatly enhanced by having a "champion." A champion should be well-known and well-respected within the community and be knowledgeable and passionate about the need for a smoke-free by-law. The champion can be someone within the municipal government, an elected councillor, a senior staff person, or a community representative. This person does not run the day-to-day operation of a by-law campaign or lead staff/community teams; rather the champion serves as a key spokesperson to the public on by-law issues such as to the media and in other public venues. The champion also plays an important role in recruiting other influential people within the community to support the by-law. The champion needs to be updated regularly about what is going on in the community around the by-law issue and about new tobacco research or information that supports the by-law efforts.

Ideas for mobilizing your community, developing and maintaining a supportive team and coalition are woven throughout the discussion in Part 2 of this guidebook.

Key steps to remember in mobilizing your community around an issue include:

1. **Identify the issue or "problem"** you are trying to address in your community and outline the solution for correcting that problem (e.g. smoke-free by-laws in public places will protect hospitality workers from second-hand smoke).

2. **Assess community support** and determine who the key decisions makers on this issue are in order for you to influence them.

3. **Form a coalition and/or team** to carry out the campaign which will:

   - demonstrate broad-based support for your issue.[26]
   - allow you to implement your strategies at lower costs and with greater competence.
   - increase the profile of the issue.

4. **Plan** by setting and agreeing upon your goals/objectives and choosing your strategies for action. It is vital that coalition members be in agreement regarding the goal of the campaign. A convincing case is built on a clear understanding of the issue in your community and a solid plan on how to address these issues.

5. **Find funding** by using your plan and well developed case to prepare proposals, etc. Adequate funding is a must for any successful community initiative.

6. **Take action** to implement strategies which build broad based public support and influence decision makers in the direction of your goal.

7. **Evaluate and monitor** your efforts to ensure you are getting what you intended and determine if you need to change course. Remember that your supportive "community" is likely made up of volunteers who will themselves need ongoing support and encouragement. Obtaining feedback often from your volunteers and paid staff, and acting on it, is critical to successful maintenance of community mobilization efforts.

Good sources for more information on community mobilization and community development action are:

- Community Action Handbook developed by the Ontario Prevention Clearinghouse available at:

http://www.opc.on.ca/english/our_programs/hlth_promo/resources/community/ca-hndbk.pdf[27]

- Community Tool Box from the University of Kansas available at:

http://ctb.ku.edu/[28]

Challenges to becoming smoke-free

Every community will be faced with its own unique set of challenges for implementing smoke-free public places–some you can be prepared for and some you may not. Below is a description of some of the common issues with which you will want to become familiar.

The Four B's: Bars, Bingos, Billiards and Bowling

Communities often want to compromise on some or all of the Four B's: Bars, Bingos, Billiards and Bowling. Bingo charities may have legitimate fears of significant revenue losses because of the high smoking rates among their bingo clients. Charity groups send volunteers to bingo halls for fundraising purposes and depend on the money they raise there to sustain their activities. Bars, billiards and bowling businesses claim they cater primarily to "adults." However exemptions lead to an un-level playing field. By-laws that distinguish between bars and restaurants can be unfair, since many bars offer menus similar to those available at restaurants. Exposure to second-hand smoke risks the health of all workers, including volunteers and charity workers in bingos. It also harms infants and small children found in bowling centres and affects teens who frequent billiard halls. Although the opposition will argue repeatedly that these establishments cannot survive if they are forced to go smoke-free–no reliable data has been produced showing this to be true.[29]

Fact Sheet 1

Designated smoking rooms (DSRs)

Separately ventilated and completely enclosed designated smoking rooms (DSRs) do not protect those workers and children who enter them from the health risks of second-hand smoke. Allowing for DSRs is a short-term solution to a long-term problem. A medium-sized DSR (holding 20 persons) would cost approximately $70,000 plus maintenance (amounting to about $3,500 per smoker capital cost).[30] DSRs would need to be inspected regularly which also adds to their cost.

Fact Sheets 2 and 3

Ventilation

Electronic air cleaners are not an effective means of protecting the public and workers from the risks of second-hand smoke. Such ventilation systems collect only a portion of the most visible substances found in tobacco smoke while leaving behind some of the gases and volatiles.[31] The machines lose effectiveness if not cleaned regularly (at least weekly in smoky places). In fact, if not cleaned properly, they may be over-exposing workers and patrons to the very substances they were meant to collect.

Recently Health Canada was asked by the City of Toronto to analyze the Heat Recovery Ventilation system proposed by the Ontario Restaurant Association and the Greater Toronto Hotel Association based on a pilot study at the Black Dog Pub. Health Canada

refused, arguing that no ventilation system would protect everybody, and could possibly even delude non-smokers into a false sense of protection. They concluded that such systems were not as good as a total ban.

In Canada and the U.S., the accepted engineering standard for indoor air quality is provided by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE). Because of the ever-increasing knowledge about the effects of second-hand smoke and the legal obligation for building owners to provide safe environments, ASHRAE is continually monitoring this issue.

Appendix D in Part 1

Private clubs

Some establishments have attempted to create "private clubs" in order to get around municipal by-laws. Waterloo established criteria for what constitutes a private club. Ottawa has no provisions in their public places by-law for private clubs because they are not considered facilities to which the general public is invited. However, in the city of Ottawa, their workplace by-law prevents employees from being in areas where smoking occurs even if it is a private club.

The tobacco industry

For most of the past decade, efforts to introduce smoke-free by-laws and policies have been strongly opposed by a handful of bar and restaurant owners. Their use of similar arguments and tactics raised suspicions that these efforts were being coordinated by a central agency. Canadian tobacco companies and their representatives are supporting hospitality industry campaigns such as "Courtesy of Choice" by the Hotel Association of Canada to promote ventilation as an alternative to smoke-free restrictions in hospitality sites.[32] Of course the tobacco industry is interested in ventilation or anything that will keep tobacco in use. In 1993 a Phillip Morris analyst observed that:

> *"Financial impact of smoking bans will be tremendous. Three to five fewer cigarettes per day will reduce annual manufacturer profits a billion plus per year."*[33]

Rural communities

In some rural areas, building regional public support can be a challenge. Radio call-in shows, public meetings and word of mouth often seem to be the best way to inform the public and enlist supporters.

Distance from major urban centres can add to the time and expense it takes to get a by-law developed and passed. Typically, the populations are smaller and can be dispersed over a larger geographical area. Some communities have had to rely on one or two individuals to do the necessary travelling. In smaller communities, volunteers have been known to burn out and initiatives haven't always gotten beyond the public support building stage. It has been suggested that provincial governments consider providing assistance or lobbying municipal councils in such cases.

Hard-to-reach groups

Aboriginal communities

According to the members of Aboriginal communities who were interviewed for this project, developing and implementing non-smoking by-laws can be a low priority in Aboriginal communities. Suicide, diabetes, teen pregnancy, and alcoholism are issues that are often seen to be much more urgent. Leadership on the non-smoking issue must first come from within an aboriginal community before outside help could be effective. Because tobacco use in Aboriginal communities is sometimes based on a spiritual tradition, restricting smoking in these communities must be approached in a culturally sensitive manner. Interviewees stated that in the Northwest Territories, the key to reaching Aboriginal communities has been to motivate people to decrease their tobacco use. The issue of tobacco control has been framed as a way to safeguard the health of the next generation. Successfully building Aboriginal support for non-smoking by-laws has required Aboriginal community leadership, increased awareness of the risks associated with smoking and second-hand smoke, and a better understanding by non-Aboriginals of the triggers particular to Aboriginal smokers. Train-the-trainer workshops for First Nations and Métis have been held by Health Canada in Alberta to build capacity for smoke-free policy on reserves.

Youth

Pro-health organizations and non-smoking by-law committees need to make a strong effort to connect with youth organizations. Good places to start are youth groups that already have an interest in tobacco reduction strategies. Organizations that have been helpful include: Building Leadership for Action in Schools Today (BLAST) in Alberta; the Association régionale du sport étudiant de Québec, and an aboriginal youth group, Manitoba Chiefs Youth Secretariat.

The BLAST program is fully funded by the Alberta Lung Association. In Fort McMurray, Alberta, for example, BLAST youth were on

the community's by-law committee. Having youth make presentations at public forums on non-smoking by-laws can be an effective way to get the attention of elected officials. To mobilize their peers, youth leaders stress that tobacco companies need young smokers to boost industry profits, rather than dwell on the health hazards of smoking, which may be an ineffective message for youth.

Legal battles

At some point after your by-law is in place, your municipality may be faced with a legal challenge. This may be a challenge to the actual by-law itself or to charges laid against an owner or patron for contravening the by-law. Legal counsel before and during the by-law implementation is extremely important. In addition it will help to create your by-law based on lessons learned from other jurisdictions.

In the Waterloo Region, an Ontario justice of the peace ruled that parts of the region's non-smoking by-law were so poorly worded that they were unenforceable. It was the second time the by-law's wording had been criticized and it prompted the court to dismiss a charge against a bar. The region subsequently amended the by-law to remove the outdated wording that had confused the court. It also appealed the dismissed charge to a higher court. The region also eliminated a by-law provision that had provided an exemption for private functions because the exemption was being abused.

The Ottawa by-law was upheld in the Ontario Court of appeal. The Pub and Bar Coalition of Canada (PUBCO), an organization of local pub and bar owners, challenged the by-law on the basis that the municipalities did not have the legal right to prohibit smoking in public places and workplaces. A panel of three judges ruled that the City of Ottawa did have this legal right under the power granted to municipalities by the *Ontario Municipal Act*.

Additional legal and enforcement considerations are outlined in the next section and in Appendices C and D at the end of this section.

To avoid individual charges being contested, it will be important to review the section on planning effective enforcement later in this section. A strong education campaign, stringent record keeping and a fair and equitable application of the by-law by enforcement officers will provide the best protection for the charges to be upheld in court.

Sustaining Momentum

Developing and implementing a by-law can take up to two years, or longer. One of the bigger challenges is finding ways to keep people motivated and the momentum of the effort going. To keep spirits high and your fellow committee members and volunteers focused, you may want to reach out periodically to pro-health experts and organizations across the country.

Estimating costs of a by-law campaign

The cost of developing and implementing non-smoking by-laws can vary greatly. Numerous factors influence your campaign and therefore your costs. These include:

- Geographical location: Travel distances within your community, availability of public transit, access to advertising media, etc.
- Population size: the number of pamphlets, consultation sessions, media required, etc., all depend on the number of people you need to reach.
- Existing support in the community by the public and decision makers: the more support you have the less attention and money is needed for influencing people's decisions.
- The existence of organized opposition: organized groups (if they exist) who oppose the by-law are likely to have money to counter your activities.[34]
- Trends in smoke-free by-laws in surrounding communities: if communities surrounding yours are also looking at smoke-free by-laws you may join forces on some advertising campaigns. Also, the more communities around you which are going smoke-free, the less money you will need to spend on convincing your community.

Total costs[35] for implementing smoke-free by-laws range from several thousand to one million dollars. Small communities in the Northwest Territories, for example, have brought in by-laws on a budget of $4,000. Waterloo Region spent over $250,000. In Winnipeg, the cost was $30,000, which included $10,000 for a public opinion survey, $10,000 for a project manager, and $10,000 for a media campaign. In the newly amalgamated City of Ottawa, they estimated a cost of about one dollar per person for the first year of implementation (i.e. $800,000).

In general, the biggest expenses are:

- **Public opinion surveys/research** (done by a reputable market research firm): depending on the sample size, cost can range from $10,000-$30,000 per survey and several survey's may need to be done over a 2-3 year period.
- **Media campaigns:** can include ratio, TV and newspaper ads and stories, information brochures, bus panels, etc. Many communities will share their media creative work with you, which you can adapt. In addition, the National Centre for Chronic Disease and Health Promotion (CDC) in the U.S. has an excellent media campaign resource centre (MCRC) online database at *http://www.cdc.gov/ tobacco/mcrc/*.[36] The MCRC Online Database contains detailed information on the MCRC's extensive collection of tobacco counter-advertisements for television, radio, print, and outdoor use. Any non-profit health-related organization or local government agency may license the use of MCRC materials. Again depending on the desired reach and population size, a good broad based media campaign can cost anywhere from $25,000 to $50,000. TV advertising, which is more expensive, will raise the costs further. The development, promotion and maintenance of a web site for your campaign may be a wise invest-

ment. Costs will include initial set up and design, server access fees, web site promotion and staff time to monitor, update and maintain the site. Consider tagging on to an existing "smoke-free" site (e.g. through voluntary organization) and look for volunteers who are interested and skilled to maintain it in order to reduce costs.

- **Enforcement officers:** Communities enforcing a by-law have found that the first several months require more intensive enforcement. The number of restaurants/bars and the predicted compliance rates in your community will dictate how much enforcement you will need. However communities have found that at least two full-time enforcement positions per 300,000 population are needed initially. The enforcement may be done through existing provincial tobacco enforcement officers, covered by the existing municipality by-law department, contracted out (for example through local police forces), or through some cost sharing arrangement. The need will decrease as a by-law becomes self-enforcing. Salaries for enforcement officers are at least $50,000/per year/officer.

- **Paid staff:** whether in local health units or hired by an outside agency to coordinate the by-law initiatives, paid staff are probably the biggest cost, yet key to a successful campaign. Paid staff time can go towards community coalition building and support, media campaigns, writing, presentations, organizing events, working with champions and politicians, etc. Plan for at least two full-time equivalents (FTEs) per 100,000 population during the peak campaign periods as well as administrative support.

- **Legal costs:** for implementing a by-law include legal fees for developing and ensuring a sound by-law, preparing procedures and forms for ticketing/monetary penalties/convictions and court proceedings. Each municipality will have access to legal counsel, either on staff or on a contract basis, and most often these costs are covered there. However you will need to check this out in advance of your by-law. Although the large majority of by-laws are not challenged legally, further costs may be incurred if they are challenged.

See *Planning Effective Enforcement* in Part

In some cases, municipal authorities have provided funding for public opinion surveying. Others have contributed some municipal staff time. Provincial ministries of health have given funding to local by-law groups, as have non-governmental funding agencies, such as the Heart Health Network in Ontario. One thing is clear though: your initiatives must be adequately funded to succeed. Examples of cost considerations for activities in each phase of by-law development are included in Part 2 of this guidebook. Securing funding is an important element of every phase.

Some legal considerations

As campaigns to make workplaces and public places smoke-free unfold across Canada, community debates usually focus on health benefits and non-health issues such as the concerns of affected business owners. However, because the smoke-free by-law itself is an essential instrument through which the smoking policy takes effect, it is also important to pay careful attention to its development and drafting.

See *Some Legal Considerations* and Appendices A, B, C and D in Part 1

Below are a few of the key issues to consider in the preparation and passage of smoke-free by-laws. You are encouraged to review examples of implemented smoke-free by-laws found on municipal web sites across Canada. You can often find a listing of the status of by-laws in municipalities from web sites of provincial action groups such as those listed in the References and web sites in Part 5 of this Guidebook. A model draft by-law included in Appendix B located at the end of Part 1 of this guidebook includes many of the considerations discussed in this section. Also, Appendices C and D provide useful information on legal aspects of smoke-free by-laws that have been challenged. These documents do not purport to address the entire range of legal constraints, impediments and considerations that may be encountered in developing and enforcing such by-laws. They cannot replace the advice and counsel of a legal advisor. You are strongly encouraged to seek your own legal advice.

Need for legal advice throughout the by-law process

It is important that legal counsel be involved throughout the by-law drafting process. For example a legal counsel could provide legal advice on whether the municipality is enabled to pass such by-laws or, with respect to the drafting of the by-law text, ensure that its text is clear and easy to read and understand.

Most provinces have either specific or general legislation that enables municipalities to pass smoke-free by-laws. It is legal counsel's job to ensure that the by-law falls within this authority, and that it is drafted to be enforceable and to withstand challenges. (An exception to this statement is Quebec. Please refer to the Province of Quebec case story in Part 4 of this Guidebook.) A good example of enabling legislation of this type can be found in Section 115 of the new *Ontario Municipal Act*. [37]

A non-exhaustive list of legislation that speaks to the authority of a municipality to pass such by-laws can be found in Appendix A.

Since numerous municipalities have now gone through the by-law passage process, it may be helpful to work with these examples and learn from them, insofar as they are applicable and with necessary adaptations. An example of a model draft by-law can be found in Appendix B. It is important to note that this example does not purport to be a perfect template of a non-smoking by-law. Legal counsel is recommended before adapting it to a particular jurisdiction.

See *References* in Part 5

A few tips:

- Consider using general definitions of "public place" and "workplace" as alternatives to specific definitions of each type of public place and workplace.

- Some municipalities have attempted to distinguish between bars and restaurants by the amount of alcohol each type of premise sells. Before considering this alternative, thought should be given to the clarity of the distinction and the ease with which such a by-law would be read and understood by the public and targeted premises.

- Ensure the by-law does not create discriminatory rights, obligations or prohibitions by, for example, disallowing entry of particular categories of persons in certain areas.

- Finally, complicated wording and definitions may make it more likely that a by-law will be either misapplied by inspectors or misunderstood by the public.

Sources of legal action or threats of legal action against smoke-free by-laws

Legal challenges to the validity of smoke-free by-laws have been mounted in various provinces, with the highest number of major lawsuits being launched in Ontario. Typically, these lawsuits have been launched by:

- Hospitality industry associations, such as the Restaurant and Food Services Association of British Columbia, the Pub and Bar Coalition of Ontario (PUBCO) and the former Ontario Restaurant Association (now the Ontario Restaurant, Hotel and Motel Association).

- Informal groupings of owners of bars and/or restaurants.

- Groups alleging discrimination under smoke-free by-laws, such as bingo owners.

- Groups demanding compensation for alleged economic losses caused by smoke-free by-laws.

Reality: A look at certain legal actions

By-laws have been challenged on numerous grounds in various Canadian jurisdictions. For a list of some of these legal challenges as well as some of the key issues they addressed, see Appendix C.

Individuals or groups of persons have challenged a by-law because they felt they had been discriminated against. In the case of the City of Collingwood, Ontario, the by-law banned smoking in bars and restaurants, but exempted the single Legion in the City. A group of bar and restaurant owners brought a legal action against the City claiming that the by-law was discriminatory. As a result of this action, the City changed the by-law to remove the Legion exemption, and the lawsuit was dropped.

Some establishments have claimed they are not workplaces because they use volunteers, and therefore are not required to be smoke-free. This issue has reportedly been addressed by defining "employees" in your by-law to include volunteers. Consult your legal advisor on whether this issue could be similarly addressed in your municipality.

Your municipal council may not want to deal with both public places and workplaces. Consider encouraging your municipal decision makers to deal with workplaces as a minimum. It is possible that workplaces might cover public places (like bars and restaurants) at the same time and may also cover some private clubs that do have employees but that may not qualify as public places. Work out the wording with your Counsel. See Health Canada's comprehensive resource "Towards a Healthier Workplace: A Guidebook on Tobacco Control Policies" (2004).[38]

Ask your lawyer to review the available case law and build on those lessons learned, insofar as they apply to your municipality.

Make sure that the necessary steps to pass the by-law have been taken. If, for example, provincial enabling legislation requires certain steps to be taken before a by-law is passed, make sure these steps–such as consultation with the community–are properly undertaken.

Community Experience

The great majority of by-laws have not been challenged legally. Those that have been, for the most part, have been found to be valid. Again, for a list of these cases, see Appendix C. A group of pub and bar owners in Ontario launched what they call a "constitutional challenge" against smoke-free by-laws in the City of Toronto and the Region of York (to the north of Toronto) in July 2002. The decision will likely be available during 2004.

Planning effective enforcement

A well-run community debate on how to make workplaces and public places smoke-free and proper drafting of a smoke-free by-law are essential elements of the smoke-free process. Effective enforcement of by-laws also plays a major role in determining the effectiveness of a by-law, and whether a community widely accepts the by-law.

Smoke-free by-laws are self-enforcing in most establishments, as most people do not smoke. However, there are always a small number of bar and/or restaurant owners who will not accept the passage of a by-law and who defy the municipality by continuing to allow smoking in their premises.

Municipalities which have successfully implemented smoke-free by-laws usually follow an enforcement procedure which requires that a number of different enforcement activities proceed simultaneously, once the by-law implementation date has been reached.

These **key activities include** the following:

- **Ongoing public education** should continue to focus on the positive health impacts of a smoke-free by-law. Campaigns of this type may include media advertising, telephone information lines, ongoing presentations by health staff at community meetings, newspaper advertising, promotion of smoking cessation services, and proper dissemination and posting of signs.

- **Education of affected business owners** is also critically important. This process should include pre-by-law consultation meetings, in-person visits by by-law enforcement personnel to discuss owners' concerns, and the supplying of written materials about the by-law and owners' responsibilities, including their obligations to educate their staff and to post signs.

- A special **focus on non-compliant facilities** is required. There will always be at least a few facilities in every municipality who reject implementation of a smoke-free by-law. This process must include inspections by local enforcement personnel during all hours that such businesses are open. This is particularly true in bars and pubs, where non-compliance is more likely to happen in later evening hours than during the day.

  In some cases, municipalities may decide that off-duty police officers should accompany by-law enforcement personnel to locations where owners or patrons are likely to be under the influence of alcohol or otherwise obstructive. Alternatively it may be possible for tobacco enforcement staff to conduct their inspections of some of these premises alongside police officers doing their usual evening patrols.

- Some **practical steps** should be taken immediately after implementation begins, and are usually required of premise owners. These include:

  - Posting no-smoking signs at every entrance to an establishment.
  - Posting no-smoking signs in public washrooms.
  - Posting a sufficient number of no-smoking signs in conspicuous locations.
  - Removing all ashtrays.

  - Ensuring that no-smoking signs comply with the provisions of local by-laws.
  - Ensuring that patrons are not smoking.

- It is important to support the authority of the enforcement staff by **ensuring that no one hinders or obstructs** a person lawfully carrying out the enforcement of a smoke-free by-law.

- Local enforcement staff should request **significant monetary penalties** when they obtain convictions for non-compliance, and may in some circumstances have to seek injunctions against repeat offenders upon conviction. Non-renewal of business licences could also be considered as a consequence of non-compliance.

- When non-compliance convictions are obtained and fines levied, they should be reported in **local media** in order to educate the public about establishments which are not observing the conditions of the by-law.

- Non-compliance can also be reported to **alcohol and gaming authorities** in the province, as non-compliance may affect the likelihood of renewal of liquor licences when such licences are regularly reviewed.

Legal enforcement issues

Tickets

Most jurisdictions in Canada have the ability to not only lay charges by way of information, but also by issuing a ticket for committing an offence. The procedure for issuing a ticket should not be set out in the by-law, but should be established outside the by-law. Each province and territory will have its own process for this. The Attorney General's department in each province or territory determines the amounts of the fines that can be set for contravening sections of a by-law, and determines how tickets should be issued.

During the initial stages of by-law enforcement, consider initiating charges under a by-law by way of " laying an information." This may help to obtain the maximum fine amount that the court will permit. This also sends a message to the business community that contravention of the by-law can result in serious consequences. In any event, a fine given as a result of pleading guilty on a ticket is always less than laying an information and going to court.

Appointment of inspectors

By-laws should set out clearly who has authority to enforce the by-law, and the by-law should make it an offence to obstruct an inspector in the course of his or her duties. Municipalities also have to make sure that there are adequate resources to fund enforcement activities.

A municipality's enforcement program is usually carried out by its regular by-law enforcement personnel. Some smaller municipalities may not have such personnel and would therefore need to hire them. Larger municipalities sometimes employ their regular by-law personnel with the addition of public health inspection personnel, who are appointed as inspectors for the purposes of enforcing the by-law. In municipalities with particular challenges in some bar and pub locations, off-duty police officers are sometimes hired to accompany by-law enforcement personnel on their evening and weekend rounds, as the latter are well-trained in the kinds of potential confrontations that may occur with smoking patrons under the influence of alcohol or drugs.

In many municipalities, the local police force is asked to be available to assist in particularly confrontational situations, although this is rarely a problem.

Confusion can arise about the role of tobacco enforcement officers when a person refuses to stop smoking. Officers are not always able to respond immediately when a call is made to the enforcing agency and often they only have authority to charge the patron for smoking. An owner can use his or her usual procedures to remove a disruptive customer, which may involve calling the general police number (not an emergency number such as 9-1-1 unless there is threat of bodily harm).

Finally, it is useful for municipalities to touch base with their local alcohol and gaming enforcement personnel, and keep them informed of instances of non-compliance in premises with liquor licences. The reason for this is that the conditions for the granting or renewal of liquor licences often include compliance with applicable local by-laws and other regulations. If a premise is regularly non-compliant with a smoke-free by-law, this can influence the renewal of a liquor licence, which few premises would wish to jeopardize.

Identification

Requiring ID from smokers in premises that are supposed to be smoke-free is often a problem because in Canada, only certain persons in certain circumstances are empowered to request other persons to provide identification.

Ensuring compliance

A section in the by-law that requires owners, operators and employers to ensure compliance with the by-law, i.e. show "due diligence," will go a long way in making by-law enforcement easier and less expensive. In essence the owner, operator and employer will be assisting you in making sure that their premises are smoke-free. It is important to have sufficient funding for adequate enforcement, especially during the first six months after a by-law is passed, to ensure widespread compliance. You need to plan so that after that six-month period, the community actively helps ensure that the by-law is being enforced. Timely follow-up of public complaints is important and premature down-sizing of enforcement may allow non-compliance to refuel.

Evidence

Because court proceedings may be required if an individual is charged with contravening a non-smoking by-law, there must be clear evidence of the contravention. The taking of accurate and concise notes is a means to secure a conviction. Consult your legal advisor to ensure that evidence is collected and retained properly. Adequate documentation also ensures that a reliable database can be maintained that facilitates effective inspection scheduling and timely reporting.

Legal arguments

At the initial stages of by-law enforcement, persons who are charged with contravening the by-law may raise different arguments in court to try to show that the by-law does not apply to them. This is common in most jurisdictions and should not be taken as an indication that the by-law is faulty. See Appendix D for examples of some of the legal arguments that have been raised.

Injunctions

One of the biggest issues during the initial implementation period of a by-law is how to prevent establishments that contravene the by-law, and who have multiple charges against them, from continuing to flaunt the by-law. Consult your legal advisor on the possibility of seeking an injunction, which could cause further non-compliance to be considered under criminal legislation.

Additional legal and enforcement considerations are outlined in the next section and in Appendices C and D at the end of this section.

Evaluation

Monitoring and evaluating your efforts for smoke-free public places is important in order to share your successes with your community, learn from your mistakes and make changes to your course of action as necessary, while providing accountability and helping others learn. Evaluation is the systematic collection, analysis and reporting of information about a program. Evaluating the process along the way is also important to ensure you are on track and that team members and partners are working well together. Evaluation at its best involves all those involved in the initiatives, including stakeholders, paid staff and volunteers, not just evaluation experts.

Types of evaluation

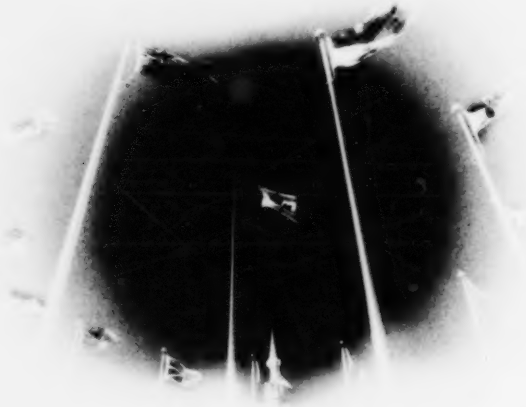
There are a variety of project evaluation techniques which can be undertaken and which offer different types of evaluation information. These include:[39, 40]

- **Formative Evaluations** are used in the program planning stages to ensure the needs of the intended audiences are properly addressed and the appropriate materials and procedures are used to implement the program.
- **Process Evaluations** track and report on your project to help you understand what is going well and not so well, and make decisions about how to improve the design and implementation in the future.
- **Outcome Evaluations** determine if your project met its stated goals and objectives.

- **Impact Assessments** determine if your project made a difference by measuring specific effects and/or changes (both intended and unintended) in your community as a result of your project.

Examples of these types of evaluation and their usefulness in evaluating your progress on smoke-free public places are outlined in Appendix E at the end of this section. As well, key components and sample data collection tools are included for consideration in the last step of each phase in Part 2 of this Guidebook.

When developing an evaluation plan for your project it is important to keep in mind the fundamental purpose of smoking bans (the impact): to protect the health of citizens in public places and employees and patrons of bars and restaurants. Economic experts caution that to fully analyse the impact of such bans, evaluation must go beyond business impacts to include social benefits and costs, such as potential saving to the health care system from reduced rates of illness due to second-hand smoke.



In fact, according to Ron Colman, a leading Canadian economist, even if there were a negative impact on sales (which has not been shown to be the case overall), a full benefit-cost analysis would justify smoke-free legislation provided that total benefits (including health care saving) outweigh total costs.[41] Another analyst warns of the dangers of focussing exclusively on the economics of tobacco control, arguing that this allows the tobacco industry to deflect attention from the deadly health impacts of smoking and shift the issue from the domain of public health to that of fiscal policy.[42]

In order to truly understand the important economic, health and social benefits of smoke-free public places a full cost-benefit analysis is required. Most communities do not have the resources or time to indulge in such large-scale evaluations. However, there have been many scientific, peer reviewed studies examining this issue from which your community can draw. Colman (2001) provides a thorough review of published studies assessing economic, health and social impacts of smoke-free public places legislation in the U.S. and Canada.[43] As well, some key studies are also listed in Appendix E.

Planning your evaluation

Health Canada has recently developed "Prevention, Cessation and Education Activities Under the Federal Tobacco Control Programme - Project Evaluation Guidelines."[44] This document is an excellent reference for developing an evaluation plan for your community initiatives. It provides a thorough review of evaluation techniques and describes key steps in conducting an evaluation.

Sample logic model

A logic model is one way of organizing what it is you want to achieve and how you are going to know if you achieve it. It provides a succinct, visual depiction of how your project activities are linked to your expected outcomes. Although you will have unique process and impact outcomes in your community, the sample logic model below will help guide your evaluation thinking. It is based on the three phases outlined in this guidebook. For more information on evaluation design and specifically on logic model development, see:

- Health Canada, 2003. "Prevention, Cessation and Education Activities Under the Federal Tobacco Control Strategy–Project Evaluation Guidelines."[45]
- Public Health Research, Education and Development (PHRED) "A Blueprint for Public Health Management–A Program Evaluation Tool Kit."[46]
- The web site of Charity Village at www.charityvillage.com.[47]

Sample Logic Model: Getting to Smoke-free Public Places

	PHASE 1 PREPARATION	PHASE 2 ACTION	PHASE 3 MAINTENANCE
ACTIVITIES	• Evaluate public knowledge re: second hand smoke. • Assess support of stakeholders and partners. • Monitor public opinion. • Assess team functioning.	• Monitor public and politician support. • Monitor media coverage. • Monitor work team and partnership functioning.	• Assess public and hospitality awareness of new regulations. • Monitor media coverage of enforcement. • Monitor political support. • Assess development of new team or work structure.
TARGET GROUPS	• Politicians. • Local government officials. • Health professionals and community leaders and groups. • Hospitality industry. • Media. • Public. • Work team members.	• Public. • Media. • Politicians. • Business community. • Hospitality industry. • Partners. • Work team members.	• Public. • Hospitality industry. • Media. • Politicians. • Work team members.
SHORT-TERM OBJECTIVES	• Increased public awareness about the dangers of second-hand smoke and the effect of smoke-free regulations. • Increased public and stakeholder support for regulations. • Increased number of and commitment from partners. • Team members express and demonstrate effective working relationships.	• Increased or maintained public and politician support. • Balanced media coverage (at least 50:50 positive:negative). • Team members express and demonstrate effective working relationships.	• Awareness of new by-law > 80%. • Balanced media coverage (at least 50:50 positive:negative). • Majority of politicians still in favour of by-law. • Team members express that they are adjusting to new roles and responsibilities.
LONGER TERM OUTCOMES	Local Government Council agrees to review recommendations for smoke-free regulations.	100% Smoke-free regulation approved by Local Government Council.	Smoke-free regulation compliance greater than 80%.
ULTIMATE GOAL	Citizens are not exposed to second-hand smoke in any indoor public place		

Appendix A

Legislation related to the making of smoking control by-laws*

Province	Legislation**
Alberta	**Section 7** - Municipal Government Act : *http://www.qp.gov.ab.ca/documents/Acts/M26.cfm?frm_isbn=0779718984*
British Columbia	Local Government Act *http://www.qp.gov.bc.ca/statreg/stat/L/96323_00.htm* **Section 203 and 330** - Vancouver Charter (covers Vancouver only) *http://www.qp.gov.bc.ca/statreg/stat/V/vanch_15.htm#health*
Manitoba	**Section 6.1** - Non-Smokers' Health Protection Act (public places only) *http://web2.gov.mb.ca/laws/statutes/ccsm/s125e.php*
New Brunswick	**Section 11 (1)** - Municipalities Act *http://www.gnb.ca/0062/acts/acts/m%2D22.htm*
Newfoundland	**Section 13 (2)** - Smoke-free Environment Act *http://www.gov.nf.ca/hoa/sr/*
Northwest Territories	Cities, Towns and Villages Act *http://www.canlii.org/nt/sta/pdf/type179a.pdf*
Nova Scotia	**Section 47172 (1)** - Municipal Government Act *http://www.gov.ns.ca/legislature/legc/*
Nunavut	**Section 54.6** - Cities, Towns and Villages Act *http://www.nunavutcourtofjustice.ca/library/statutes/2003/SNu_2003_02.pdf* **Section 54.6** - Hamlets Act *http://www.nunavutcourtofjustice.ca/library/consol-stat/1999_CSNu_086_Hamlets.pdf* **Bill 33** - Tobacco Control Act *http://www.nunavutcourtofjustice.ca/library/statutes/2003/SNu_2003_13.pdf*
Ontario	**Section 115** - Municipal Act *http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/01m25_e.htm#P2258_145105*
Quebec	**Section 410, 413 and 463** - Cities and Towns Act *http://www.publicationsduquebec.gouv.qc.ca/home.php#*
Prince Edward Island	**Section 57** - Municipalities Act *http://www.gov.pe.ca/law/statutes/pdf/m-13.pdf*
Saskatchewan	**Section 108.1** - The Northern Municipalities Act *http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/N5-1.pdf* **Section 215.1** - The Rural Municipalities Act *http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/R26-1.pdf* **Section 142** - The Urban Municipalities Act *http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/U11.pdf*
Yukon	**Section 271** - Municipal Act *http://www.canlii.org/yk/sta/2003/pdf/2003.ch11.pdf*

* Disclaimer: To the best of our knowledge at time of printing, the legislation cited in this document is the most relevant to the passage of smoke-free by-laws at the municipal level. However, if a province has more specific legislation pertaining to the passage of smoke-free by-laws, the specific legislation would override some of the general legislation cited in this document.

** Note: The legislation references apply to Appendix A only and are not included in the Endnotes for this Guidebook.

Appendix B

A Model for a Smoke-free Public Places and Workplaces By-law*

BY-LAW NUMBER ______
OF
The Corporation of the City of XXX
A By-law to Regulate Smoking

In Public Places and Workplaces in the Corporation of the City of XXX

WHEREAS section YYY of the ZZZ Act, **(insert reference to enabling authority)**, authorizes the council of a local municipality to pass a by-law regulating the smoking of tobacco in public places and workplaces within the municipality and designating public places or workplaces or classes or parts of such places as places in which smoking tobacco or holding lighted tobacco is prohibited **(reword if necessary to reflect wording in enabling legislation);**

AND WHEREAS it has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants and workers in the Corporation of the City of XXX;

AND WHEREAS it is desirable for the purpose of promoting and protecting the health, safety and welfare of the inhabitants and workers of the Corporation of the City of XXX to ensure that all public places and workplaces will be free from second hand smoke;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF XXX ENACTS AS FOLLOWS:

PART I

1. DEFINITIONS

1.0 In this by-law,

1.1 "*City*" means the Corporation of the City of XXX;

1.2 "***employee***" means a person who, being paid or unpaid, performs any work for or supplies any service to an employer, or a person who receives any instruction or training in the activity, business, work, trade, occupation or profession of an employer and includes a volunteer and a person who is self-employed and "employment" has a corresponding meaning;

1.3 "***employer***" means any person who, as the owner, proprietor, manager, contractor, superintendent, supervisor or overseer of any activity, business, work, trade, occupation, or profession, has control over or direction of, or is directly or indirectly responsible for the employment of an employee;

1.4 "***inspector***" means any employee or class of employee of the YYY Health Unit authorized by the Medical Officer of Health to carry out an inspection under and to enforce the provisions of this By-law, or a person or class of person appointed by Council of the City as a by-law enforcement officer to enforce this by-law;

1.5 "***outdoor patio***" means an outdoor area or partially enclosed outdoor area that is adjacent to an establishment where food or beverages are sold and where food or beverages or both are consumed by the public;

1.6 "***person***" includes a corporation;

1.7 "***proprietor***" means the person who ultimately controls, governs or directs the activity carried on within a public place and includes the person actually in charge of the premises at any particular time;

1.8 "***public place***" means any building, structure, vessel, vehicle or conveyance, or part thereof, whether covered by a roof or not, to which the public has access as of right or by invitation, expressed or implied, whether or not a fee is charged for entry but does not include an outdoor patio or a street, road or highway.

1.9 "***smoke***" or "***smoking***" includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment, but does not include smoke or smoking where smoke or smoking is used in a stage production of a theatrical performance.

1.10 "***workplace***" means a building, structure, vessel, vehicle or conveyance or part thereof, to which the public may or may not have access either express or implied, in which one or more employees work, including any other area in the building, structure, vessel, vehicle or conveyance utilized by employees, but does not include an outdoor patio.

PART II

2. WORKPLACES

2.1 No person shall smoke in any workplace within the City whether or not a No Smoking sign is posted.

2.2 Every employer shall:

(i) ensure compliance with this by-law;

(ii) prohibit smoking in the workplace;

(iii) inform each employee in the workplace that smoking is prohibited in the workplace;

(iv) post No Smoking signs in accordance with Part IV of this by-law in conspicuous locations at every entrance and washrooms in the workplace indicating that smoking is prohibited in the workplace; and

(v) ensure that no ashtrays or like paraphernalia are placed or permitted to remain in any part of the workplace.

2.3 Section 2.1 does not apply to,

(i) a part of a workplace that is used as a private residence; or

(ii) a workplace located in a dwelling where the only employees of that workplace are persons who live in the dwelling.

PART III

3. PUBLIC PLACES

3.1 No person shall smoke in any public place within the City whether or not a No Smoking sign is posted.

3.2 Every proprietor of a public place shall:

(i) ensure compliance with this by-law;

(ii) prohibit smoking in the public place;

(iii) post No Smoking signs in accordance with Part IV of this by-law in conspicuous locations at every entrance and washrooms in the public place indicating that smoking is prohibited in the public place;

(iv) ensure that no ashtrays or like paraphernalia are placed or permitted to remain in the public place.

PART IV

4. SIGNAGE REQUIRED

4.1 Every employer and every proprietor shall post and maintain in conspicuous locations at each entrance to the facility and in the washrooms, a sign at least 14 centimetres (5.5 inches) by 14 centimetres (5.5 inches) in size that includes depiction of the international No Smoking symbol at least 7.5 centimetres (3 inches), and lettering at least 0.8 centimetres (5/16 inch) high and at least 0.2 centimetres (1/16 inch) wide at the narrowest point, with the rest of the letter sized proportionately, which reads "The Corporation of the City of XXX; Maximum Fine ($5000)."

4.2 Where a No Smoking sign is required to be placed or posted under this by-law, the sign shall have the proportions, characteristics and minimum measurements as set out in Section 4.1 as depicted in "Schedule A" and consist of two (2) contrasting colours, or if the lettering and graphic symbol is to be applied directly to surface or to be mounted on a clear panel, the lettering and graphic symbol shall contrast with the background.

4.3 Despite the fact that the symbol referred to in Schedule "A" is a cigarette, it may include a lighted cigar, cigarette, pipe or any other lighted smoking instrument.

4.4 Deviations from the colour or content of the sign prescribed by this section that do not affect the substance or that are not calculated to mislead do not vitiate the sign.

4.5 Any sign prohibiting smoking that refers to an old by-law of the City is deemed to be referring to this by-law.

PART V

5. INSPECTIONS

5.1 An inspector may, at any reasonable time, enter any public place or workplace for the purposes of determining compliance with this By-law.

5.2 No inspector may enter a workplace that is also a dwelling without the consent of the occupant or without first obtaining and producing a warrant.

PART VI

6. OFFENCES AND ENFORCEMENT

6.1 Any person who contravenes any of the provisions of this by-law, or who hinders or obstructs an inspector lawfully carrying out the enforcement of this by-law, is guilty of an offence and upon conviction is liable to a fine of not more than (insert maximum amount of fine) dollars ($ZZZ) as provided for in the (insert name of applicable statute) Act, or any successor thereof.

6.2 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

PART VII

7. CONFLICTS

7.1 If a provision of this by-law conflicts with an Act or Regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

PART VIII

8. SEVERABILITY

8.1 If any section or sections of this by-law or part thereof, is found in any court of law to be illegal or beyond the power of the City to enact, such section or sections or part thereof shall be deemed to be severable and all other sections or parts of the by-law shall be deemed to be separate and independent thereof and to be enacted as such.

PART IX

9. REPEAL

9.1 By-law xxx is repealed.

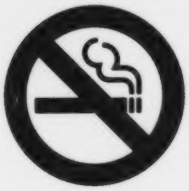
PART X

10. EFFECTIVE DATE

10.1 This by-law comes into effect on (insert date).

*** Note: This example does not purport to be a perfect template of a non-smoking by-law. Legal advice is recommended before adapting it to a particular jurisdiction.**

Schedule "A"



Appendix C

Legal Issues Litigated Regarding Non-smoking By-laws

Legal Issue	Select cases that addressed this issue*
Will courts interfere with a non-smoking by-law if it is properly constituted?	Footnotes 2,3,4,5,6
Can a by-law regulate smoking in public places and workplaces provided it doesn't cover streets, roads or highways?	Footnote 6
Can by-laws define public places and workplaces?	Footnotes 2,6
Can by-laws require owners and operators of public places and employers of a workplace to "ensure compliance"?	Footnotes 1,3,7
Does a by-law that requires owners and operators of public places and employers of a workplace to "ensure compliance" have to set out all the steps that the person has to take to ensure compliance?	Footnotes 3,5,7
Will a properly constituted by-law be ruled void for "uncertainty"?	Footnotes 2,3,5
Will a properly constituted by-law be ruled void for "vagueness"?	Footnotes 2,3,5
Will a properly constituted by-law be ruled void for "being discriminatory"?	Footnotes 2,7,8,11
Will a properly constituted by-law be ruled void for "being unreasonable"?	Footnote 2
Will a properly constituted by-law be ruled void because it improperly sub-delegates enforcement to municipal staff or to owner, operators or employers?	Footnotes 2,3,5,6

cont.

Will a properly constituted by-law be ruled void for violating Human Rights legislation if it prohibits entry in certain types of premises to patrons under the age of majority?	Footnote 2
Does a municipality have to consult or hold public hearings before passing a by-law?	Footnotes 4,12
Does a patron who is smoking contrary to the by-law have to be charged before a charge can be laid against an owner, operator or employer for failing to "ensure compliance"?	Footnote 5
Can invalid sections of a by-law be severed from the rest of the by-law?	Footnotes 3,8
Are non-smoking by-laws constitutional?	Footnote 5
Do non-smoking by-laws infringe on section 7 or 15 rights under the Charter of Rights and Freedoms or analogous rights under section 15?	Footnote 5
Can non-smoking by-laws give rise to claims in damages for tort or unlawful interference with economic relations?	Footnote 4
Do non-smoking by-laws give rise to the doctrine of "paramountcy"?	Footnote 6
Do non-smoking by-laws require persons to be subject to "dual compliance"?	Footnote 6
Can by-laws that provide for exemptions be found to be "discriminatory"?	Footnote 2
Does the fact that a by-law may impose financial hardship on a particular type of business mean the by-law is not valid?	Footnotes 4,9
Can a by-law treat different classes of public places or workplaces differently?	Footnotes 2,3,4,5,6

cont.

Can a municipality pass non-smoking by-laws if there is no enabling legislation?	Footnotes 8,10,11
Do non-smoking by-laws operate so as to constitute a prohibition or prevention of trade?	Footnotes 6,7
Can a by-law require ashtrays to be removed from the premises?	Footnote 7
Should a by-law contain a preamble?	Footnotes 2,3,4,5,6

Footnotes

1. Rigg v Toronto (City) 1989 46 M.P.L.R. 113 (S.C.O.).
2. Ontario Restaurant Association et al and City of Toronto (1996) (Court file # RE 7096/96)
3. Cambridge Bingo et al and the Regional Municipality of Waterloo 2000 (Court file # 06/00 and 573/00)
4. Thirsty's Bar and Grill et al and the Regional Municipality of Waterloo 2000 (Court file # 248/00)
5. Her Majesty The Queen v. Ample Annie's Itty Bitty Roadhouse et al, 2001
6. Pub and Bar Coalition of Ontario and Rideau Carlton Raceway v. City of Ottawa, 2001 O.J. No. 3496 (Court file # 01-CV-17948 and CV-17999 and Pub and Bar Coalition of Ontario and Rideau Carlton Raceway v. City of Ottawa, 2002 O.J. No. 2240 (Court file # C36997, Ont. C.A.)
7. Her Majesty the Queen v. 519653 Ontario Inc., c.o.b. as Puzzles, January, 2002 O.J. No. 1059 (Ont. Ct. Just.) (Switzer J.P.)
8. The City of Fredericton and Luna Pizza (1990) Inc, Parkside Holdings Inc., Boby Manolarakis and Christine Manolarakis, 2002 NBQB 234
9. Body Rubs of Ontario v. Vaughan (City), [2001] S.C.C.A. No. 118, File No. 28450 (S.C.C.), 15 M.P.L.R. (3d) 203 (Ont. C.A.), [2001] O.J. No.2
10. Weir et al and The Queen 1079 26 O.R. (2d)
11. Restaurant and Food Services Assoc. v. Vancouver (City) [1998] B.J. C. No.53
12. B.C. Liquor Licensees & Retailers Association (and Kevin Pugh). v. British Columbia (Workers' Compensation Board), (2000) 5 W.W.R. 575, 74 B.C.L.R. (3d) 319, 21 Admin L.R. (3d) 153, 2000 B.C.S.C. 505, March 22, 2000, Vancouver L000212 (Stromberg-Stein J.).

*** Note: These Footnotes apply to this Appendix only and are not included in the Endnotes for this Guidebook.**

Appendix D

Select Legal Issues That Have Arisen as a Result of Charges Being Laid Under Non-smoking By-laws* (as of June, 2003)

Municipality	Legal issues	Who Raised the Issue	Disposition
Peterborough, Ontario	• Whether premises is a private club.	Defendant	Conviction - $2000 + surcharge $1000 guilty plea
Waterloo, Ontario	• Improper reference to statute that licenses sale of liquor.	Defendant	Dismissed
Guelph, Ontario	• Query as to whether "eating establishment" was serving food on the premises.	Court	Dismissed
	• Should City also charge patrons.	Court	Dismissed
	• City not sure of owner and charged wrong person.	Court	Dismissed
Ottawa, Ontario	• Whether premises are a private club.	Defendant	One guilty plea - $2385 in fines
	• Designated smoking room (DSR) area is a private club.	Defendant	Conviction
	• Due diligence (Legal Issues, Appendix B, for details, i.e. Puzzles).	Defendant	Conviction - $350
	• Should City also charge patrons.	Defendant	Conviction - $260 to $350

*** Note: If you would like more information on the issues presented above, you can contact the Ontario Campaign for Action on Tobacco (OCAT) at:** ***http://www.ocat.org***

Appendix E Evaluation Techniques and Examples

Main Evaluation Technique	Usefulness in Smoke-free By-law Initiatives	Selected Existing Evaluations*	Suggested Data Tools (Provided in Part 3)
Formative Evaluations • Used in the program planning stages to ensure the needs of the intended audiences are properly addressed and the appropriate materials and procedures are used to implement the program. • Include activities such as; - literature reviews. - assessing stakeholders' needs. - community surveys. - interviews. - focus testing.	• Use the existing science to prove "why" Smoke-free By-laws are needed and to build a strong case for action in your community. • Monitor public opinion and support in your community. • Monitor support of opinion leaders and decision makers in your community. • Determine most effective communication messages for your target group.	• **Key literature includes:** - **International Agency for Research on Cancer Scientific Panel. Press Release #141 (2002). Report found at:** *http://www.iarc.fr/pageroot/Preleases/pr141a.html* - confirms that second-hand smoke causes cancer. - **Colman, R. (2001).** *The Economic Impact of Smoke-Free Workplaces: An Assessment for Nova Scotia*. **GPI Atlantic. Report available at:** ***http://www.gov.ns.ca/health/downloads/gpi.pdf*** - provides review of all major studies related to this issue. - **Ontario Tobacco Research Unit (2001).** *Protection from Second-Hand Smoke in Ontario–A Review of the Evidence Regarding Best Practices*. **Report found at:** ***http://www.otru.org/pdf/special_ets_eng.PDF*** - **Siegel, M. (1993). "Involuntary smoking in the restaurant workplace: a review of employee exposure and health effects."** *Journal of the American Medical Association*. 270 (4): 490-493 - **Glantz, S. and Parmley, W. (1991). "Passive Smoking and Heart Disease: Epidemiology, Physiology, and Biochemistry."** *Circulation*, 83(1) • **For samples of opinion surveys see:** - **City of Ottawa Public Health and Long Term Care Department. "Opinion Search Smoke-**	• Population Survey (A). • Web Site Survey (B). • Newspaper Contest (C). • Partner Interviews (E). • Stakeholder Focus Group Questions (F). • Postcard (H).

Main Evaluation Technique	Usefulness in Smoke-free By-law Initiatives	Selected Existing Evaluations*	Suggested Data Tools (Provided in Part 3)
		free Ottawa Survey" at: *http://www.city.ottawa.on.ca* - **York University. "Rapid Risk Factor Surveillance System (RRFSS)" at:** *http://www.cehip.org/rrfss/rrfss.htm* • **For focus group questionnaire set up see:** - **Public Health Research, Education and Development (PHRED)** *A Blueprint for Public Health Management–A Program Evaluation Tool Kit* **at:** ***http://www.phred-edsp.on.ca/pubs_library/reports.html#Ottawa*** • **For an overview of comprehensive tobacco control approach and evaluation methodology and results see:** - **The Alberta Alcohol and Drub Abuse Commission (AADAC) (2001).** *Tobacco Basics Handbook* **at:** ***http://tobacco.aadac.com/about_tobacco/tobacco_research/tobacco_basics_handbook.pdf***	
Process Evaluations • Track and report on your project. • Examine HOW the program is operating. • Seek to answer the question "What services are actually being delivered and to whom?" • Most useful for projects within their first year or two of implementation.	• Understand what's going well and not so well, and make decisions about how to improve or change course. • Assess team functioning and partner relations. • Provide learnings for others. • Ensure accountability to managers and funders that the program is being implemented the way it was planned and if not, why not.	• **For funded projects see:** - **Ontario Tobacco Research Unit (OTRU). "Monitoring for Ontario Tobacco Strategy (OTS)" at:** *http://www.otru.org/monitoring.html* • **For process evaluation steps see:** - **Public Health Research, Education and Development (PHRED).** *A Blueprint for Public Health Management–A Program Evaluation*	• Partner Interviews (E). • Stakeholder Focus Group Questions (F). • Team Functioning Questions (I). • Commitment Letter (J).

Main Evaluation Technique	Usefulness in Smoke-free By-law Initiatives	Selected Existing Evaluations*	Suggested Data Tools (Provided in Part 3)
		Tool Kit at: ***http://www.phred-redsp.on.ca/pubs_library/reports.html#Ottawa***	
Outcome Evaluations • Determine if your project met its stated goals and objectives. • Conducted on mature projects, usually those projects that have been operating smoothly for a few years. • As baseline measurements, are often needed in outcome evaluations, it is important to plan this type of evaluation as the project is just starting.	• Reporting to politicians and public the success of your initiatives. Can use - Compliance checks of restaurants and bars. - Public support and opinion, # of people stating they are going out to Smoke-free public places more often etc. - Business owner assessment before and after legislation. • Final report of overall project to decision makers and funders.	• **For a good example of an outcome evaluation (and includes some impact evaluation) see:** - **California Tobacco Control Program (2001).** *The Final Report: A Decade of Progress. Results from the California Tobacco Survey, 1990-1999 at:* ***http://www.dhs.ca.gov/ps/cdic/ccb/TCS/documents/CTS99FinalReport.pdf*** • **For strategy results monitoring see:** - **Ontario Tobacco Research Unit (OTRU). "Monitoring for the Ontario Tobacco Strategy (OTS)" at:** *http://www.otru.org/monitoring.html* • **For funded projects see:** - **Decima Research Inc. (2001). "Ottawa Residents Back Smoking Ban by Two to One." at:** *http://www.decima.com/research/en/media_releases.asp* • **For reports to city councils–**check local municipal web sites	See Resources section Part 5

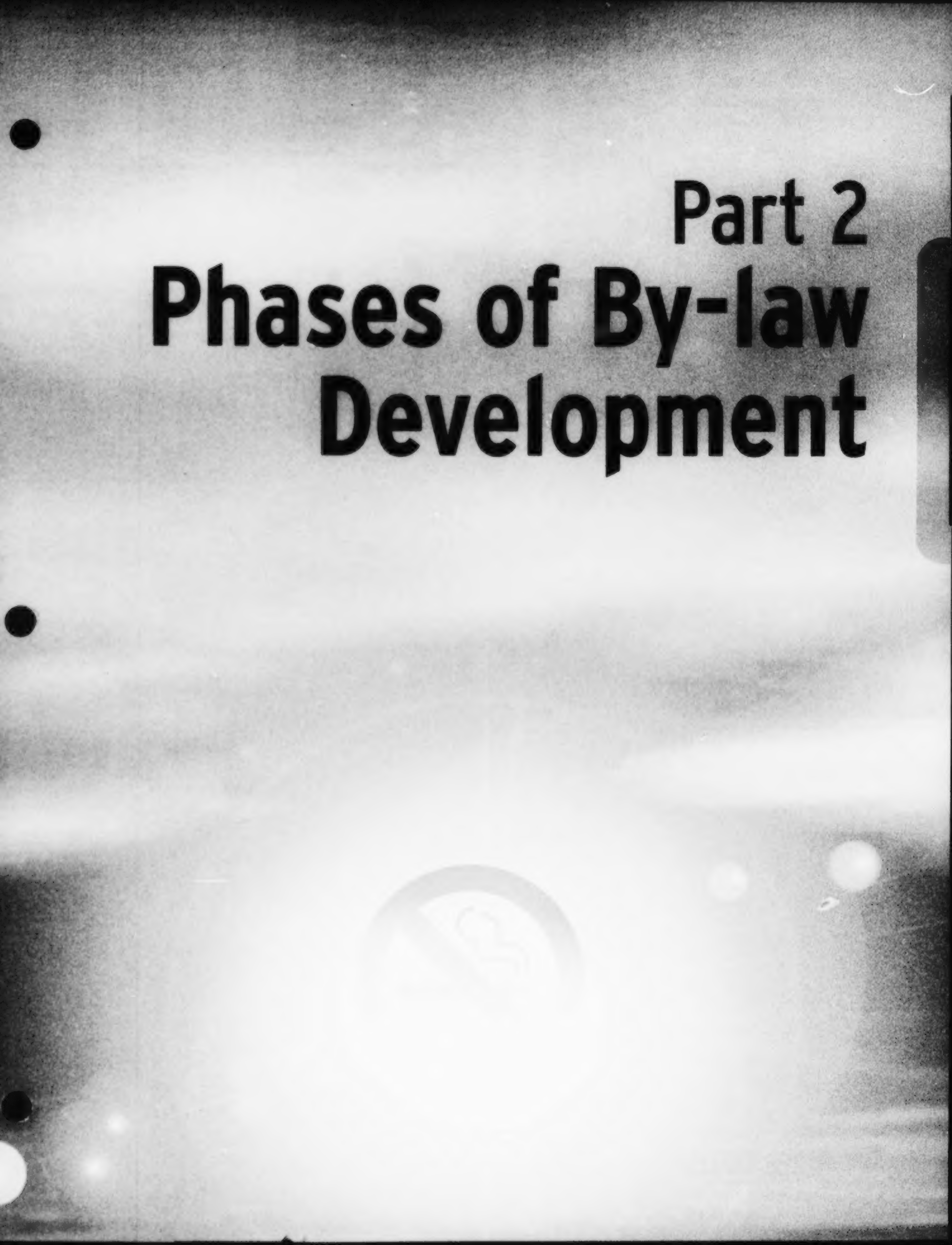
Main Evaluation Technique	Usefulness in Smoke-free By-law Initiatives	Selected Existing Evaluations*	Suggested Data Tools (Provided in Part 3)
Impact Assessments • Determine if your initiative project made a difference by measuring specific effects and/or changes (both intended and unintended) in your community as a result of your project. • Appropriate for mature projects that can define what interventions were delivered to what proportion of the target population.	• Measure impact on economics, health and social factors. • Changes in smoking rates and population health are ultimate benefits of Smoke-free By-laws.	• **Many reports provide excellent summaries or annotated bibliographies of existing studies looking at the impacts on business, health and society. These include:** - **Colman R. (2001).** *The Economic Impact of Smoke-Free Workplaces: An Assessment for Nova Scotia*. **GPI Atlantic at:** ***http://www.gov.ns.ca/health/downloads/gpi.pdf*** - **OTS Media Network (June, 2001).** *At-a Glance Directory Restaurants Smoking Bans and Their Economic Impact* **at:** ***http://www.media-network.org*** - **Alberta Tobacco Control Centre (1999).** *The Economic Impact of Smoke-Free Restaurant By-laws*. - **Program Training and Consultation Centre (PTCC) (2000).** *Controlling Environmental Tobacco Smoke in Public Place* **at:** ***http://www.ptcc.on.ca*** - **Perley, M. (1999 & 2000). "Summary of evidence Re: economic impact of Smoke-free hospitality industry policies" memo. Ontario Campaign for Action on Tobacco (OCAT) at:** ***http://www.ocat.org*** • **Other key studies/papers important to review include:** - **Canadian Tobacco Use Monitoring Survey (2002) at:** ***http://www.gosmokefree.ca/ctums*** - shows decline in overall smoking rates - **Ontario Tobacco Control Unit (OTRU) (2003).** *The Economic Impact of a Smoke-free By-law*	See Resources section Part 5

Main Evaluation Technique	Usefulness in Smoke-free By-law Initiatives	Selected Existing Evaluations*	Suggested Data Tools (Provided in Part 3)
		on Restaurant and Bar Sales in Ottawa, Canada **at:** ***http://www.otru.org*** - **KPMG (2002).** *Economic Impact Analysis of the Smoke-free By Laws on the Hospitality industry in Ottawa* **at:** ***http://www.smokefreeottawa.com*** - **Worker's Compensation Board, B.C. (1999).** *Analysis of WCB assessments in food concessions/restaurants and in pubs/bars for Victoria and other areas*. - **Canadian Council for Tobacco Control (CCTC) (2002).** *Impact of an anti-tobacco campaigns on health care costs in Canada; and Impact d'un programme anti-tabagisme sur le coût des soins de santé au Québec 2002* **at:** ***http://www.cctc.ca***. - **Glantz, S.A. and Charlesworth, A. (1999). "Tourism and Hotel Revenues Before and After Passage of Smoke-Free Restaurant Ordinances." JAMA, 281(20): 1911-1918.**	

* Note: The references in this document apply to Appendix E only and are not necessarily included in the Endnotes for the Guidebook.

Part 2

Phases of By-law Development



Part 2: Phases of By-law Development

Phase One: Preparation

Doing the groundwork for smoke-free by-laws

Step I: Understanding the issues and your community

- **Research what has gone on in the past in your community about smoke-free legislation.**
  - Where is smoking currently restricted? How well are those restrictions working? Day care centres, libraries, shopping malls, and recreation and amusement facilities that cater to youth are among the places that may already have smoking restrictions.
  - Find out what types of non-smoking by-laws exist elsewhere, particularly in neighbouring communities and other parts of your province. Can you enlist supporters in a neighbouring municipality to conduct their own, parallel by-law initiative?
  - Has anything similar been tried in your community before? What worked well? What *didn't* work?

TIP!

Look into some of the many tobacco prevention web sites and/or subscribe to list serves. A lot of work has been done and you don't need to re-invent the wheel.

- **Educate yourself on these key issues related to second-hand smoke and be able to speak passionately about them:**
  - Second-hand smoke and the extent of the problem it causes in your community: get local statistics on costs, deaths, illness, etc. from your local health department. If possible, interview individual citizens/workers who are victims of second-hand smoke.
  - Economic impact arguments around such by-laws, both for and against: find out about local businesses that have gone smoke-free.

➡ Fact Sheets 1, 2, 3

- Ventilation and designated smoking rooms and why they are not good alternatives.

Data Collection
Tools A, B, C, G, H

- **Assess community knowledge and support.**

  - Get a sense of your community. Is a non-smoking by-law something your community is likely to support? Review media articles and conduct informal interviews.

  - Find out what public opinion polling has been done on the issue. Seek a partner or partners (e.g. public health, a health charity, a university department) to have your own research done.

  - Scan the political environment to understand what municipal council's broad agenda is and where your issue might fit with council's own priorities and constraints. This also gives you a sense of what your competition is for the public's, the media's, and the politicians' attention. Scanning the environment on an ongoing basis throughout your campaign will also help you to develop positions proactively, rather than always reacting to the actions of others.

TIP!

Your public opinion findings will be more useful and carry more clout if an experienced market researcher does the information collection.

- **Learn about the key stakeholders in your community.**

  - Stakeholders are the individuals or groups who have an interest or stake in the issue.[48]

    They include:

    - Supporters: people who endorse your goals whether as leaders or behind the scenes.

    - Influencers: those who have influence on the decision making process. Key influencers in a by-law campaign are often the local media.

    - Opponents: often opposition to a smoke-free by-law is led by members of the hospitality sector and owners of entertainment venues such as bingo, bowling, billiard, and gambling establishments. While tobacco companies almost never take a public stance on smoke-free by-laws, they often play an important role behind-the-scenes by providing information, funding, and other forms of support to hospitality groups.[49]

    - Decision–makers: in municipalities in all provinces (except Quebec), the ultimate decision makers about smoke-free public places legislation are the municipal councillors.

  - For each category of stakeholder, find out what their position is on the issue, their rationale for the position, as well as the extent of their power to influence the outcome of the issue. By knowing the stakeholders, you will know how much support you are starting with, how much opposition you can expect, and how much work it will likely take to convince the politicians to support your goal.

- **Learn about the political process in your community for establishing by-laws.**

  - Find out what the process is in your municipality for getting a law passed. For example, what committee would be responsible for smoke-free by-laws? How does the issue get on the agenda? How many meetings are held before a decision is made? When and how can the public be involved/comment? How many votes are needed? Involve staff of the municipality in answering these questions.

Step II: Establishing your team

- **A core group of people committed to having a by-law passed is essential to your success**. This group might stem from an existing group or coalition in your community such as a "Tobacco-free Council" or a heart health coalition.

- **Joining with other like-minded groups to form a coalition can definitely increase your influence with government and the media**. However, working together effectively presents some definite challenges. From the outset, coalition members need to agree to the basic ground rules by which they will operate, related to participation, decision-making, leadership, and communications.[50] The specifics of how your coalition manages its business are not important. What is important is that the members have reached agreement on the operating principles and procedures and that all members put the ultimate goal–achieving a smoke-free by-law in your community–ahead of the process by which you get there. See the Mobilizing Your Community section in Part 1 of this guidebook for more information on coalition building.

TIP!

Work closely with municipal staff – they are often the ones running the show!

- **Team members of this group should include:**

  - A champion: someone who believes wholeheartedly in a non-smoking by-law, and is both respected and influential in your community. It could be an elected official, a prominent community physician or public health official, an experienced volunteer, or a leading academic or business-person. He or she will need to be able to tell the public–in clear and simple terms–what the by-law does, why it's needed, and why it deserves the community's support. The champion may or may not be the chair. Choose a chair that can keep the group organized and productive.

  - A health expert: a recognized medical or health authority who has credibility when speaking in public. This person may come from a hospital, clinic or a local health/volunteer association.

Data Collection Tools E, F

  - Partner representatives: people who represent the "credible" health organizations in your community such as the public health department, cancer prevention groups, heart health or other tobacco prevention groups. You will want to consider formal partnerships/alliances with them and spell your agreements out in writing to prevent future misunderstandings. These groups can provide manpower as well as in-kind and direct funds in return for things like community profile. They also provide a quick way to reach many people and broaden your base of community support.

  - Someone inside politics and/or the municipality who understands the process your by-law will have to go through and can assess the local political climate and provide strategic advice.

  - A media expert. Working with the media will be an integral part of your campaign. Someone who has experience with media interviews, writing press releases, staging media events, connecting with local media personalities and monitoring the pulse of the media will be invaluable to your project. Alternatively, find an organization with this experience who would be willing to partner with you.

See Planning Effective Enforcement in Part 1

  - Legal and enforcement experts. In addition, your working team should have experts on legal and enforcement issues or at least have access to them, preferably throughout your process. Many issues will arise in terms of the by-law legalities and process for enforcement. Also determining who will actually do the enforcement is essential to your by-law.

- Dedicated workers. You need people as part of your team who will commit the time and effort to support the functions of this group. Terms of reference for the team should be established to clearly articulate everyone's role, but remember that sometimes it is a few key people who actually do the "work."

Data Collection Tool I

- **Encourage business organizations, chambers of commerce or media representatives to support your initiatives.** However, remember your team members should all be true believers whose main agenda is to get the strongest possible by-law passed.

Fact Sheets 1,2
Sample 8

- **Work out your relationship with your public health department.** Public health is your key advocate and partner in this process as it is their mandate to protect the health of citizens. In fact public health may be the lead in this initiative. Regardless, the "team" should clearly establish their relationship with public health. In many cities, public health is actually a department of the municipal government and as such may be limited in terms of its "advocacy/ lobbying" abilities. Find out what role the department can play (i.e. lead, formal partner, ex-officio) and determine the role of the Medical Officer of Health who is the community's premiere "health authority." In many communities, public health establishes its own "internal" committee and sits as a member or partner on the smoke-free team and its role changes depending on the phase of the campaign.

- **Recruit a wide network of supportive volunteers, health professionals, community groups/agencies, supportive businesses owners/operators, politicians and community leaders willing to work on these issues.** Establishing links early on will help you when you need quick access to many people for advocacy initiatives or media events.

Step III: Mapping out your plan

Data Collection Tools F, G

Samples 1, 14

- **Once you have completed your research on second-hand smoke, including gauging community support for and opposition to smoking controls in public places and/or workplaces, you will need to define a specific goal.** You will need to decide exactly what kind of by-law you are advocating for (i.e. public places, workplaces, or both). A complete smoking ban in all public places and/or workplaces, with no designated smoking rooms (DSRs) and no exceptions is the best option for protecting the health of the community. However, if there are going to be any exceptions to this, be sure that coalition members agree on which compromises are acceptable and which ones are not.

- **Develop work plans for your activities with expected timelines and team member responsibilities**. Your plan should include:
  - Description of the key issues: Clearly describe the issues of concern and what change you want to make happen.
  - Goals and objectives which are specific, measurable, acceptable, realistic and timely (i.e. SMART).[51]
  - Key strategies: How are you going to make this happen? List the major steps that need to be taken to make it happen. Are there major stumbling blocks? How will you avoid them?
  - Community partners: Who are the key groups or individuals we need to involve? What is the best way to involve them? Agreement and support amongst your team and partners as to your game plan is important. If everyone believes in the goal and is committed to achieving it, you will work much more effectively and successfully
  - Resources required: What do you need to make this happen (people, money, facilities etc.)?
  - Responsibility: Who should start things up? Who will monitor?
  - Expected timelines: When do you start? When do we complete?
  - Indictors of success: How will you know if you have succeeded in meeting your goals and objectives? Logic models offer a sound method for mapping out all the essential elements of a project or program, and are definitely worthy of investigation.

See Evaluation in Part 1

- **At some point during your by-law campaign, you will need a detailed submission for members of council that addresses their concerns and provides a referenced summary of the key research evidence that supports your case**. By preparing a submission early in the campaign, you can save yourself work down the road.

Step IV: Building support and awareness

- **Give municipal decision-makers your public opinion research results.** If your research shows public support for smoking restrictions, it will help you make a strong case for your by-law. Establish a mechanism for communicating with your politicians such as a "communiqué" with small "bytes" of information at a time.

Sample 3

- Also **give your findings to the media** by way of news releases or mailed out packages.

- **Develop and launch a public awareness campaign** about the issue of second-hand smoke and the need for smoke-free public places.

TIP!

Develop a campaign slogan. A catchy slogan can help raise public awareness and keep your supporters motivated and focused.

  - Determine the main issues you want to address in your awareness campaign based on the results of the public opinion survey. Remember, some people may not even think that second-hand smoke is a health hazard. Some may overlook the fact that workers deserve protection from second-hand smoke, too. Still, others may not be aware of the bigger picture: Health Canada's commitment to reduce smoking across the country.

  - Direct awareness information at business owners who fear what will happen to their revenues when they go smoke-free. What you need to convey–loudly and clearly–is that studies have shown that businesses can actually benefit from smoking restrictions, in the mid-to-long-term.

  - Establish a web site to share current campaign information, recruit supporters and solicit comments and public opinion. Check out existing web sites and link people to resources on them.

Fact Sheets 1,2,3
Data Collection Tool B

- **Make presentations to local community and business groups** in order to educate them on the health effects of second-hand smoke and the economic issues related to second-hand smoke and, where possible, garner their support for your campaign.

- **Ask your Medical Officer of Health and other prominent health types to get involved** in building community awareness. They have the profile and credibility to speak about the benefits of going smoke-free.

Step V: Developing the by-law

Samples 1, 2

See Some Legal Considerations and Appendix B in Part 1

- Your strongest stance is to **propose a strong 100 percent smoke-free public places by-law**. A by-law that adequately protects health is one that does not allow smoking in any public place–that is no exemptions, no ventilation systems and no allowances for designated smoking rooms. By-laws which protect youth by being in effect at certain times of the day or on certain days of the week, ignore the significant health risks that second-hand smoke poses on all age groups at all times. Do your best to discourage compromises, although they may be needed depending on the specific situation in your community.

TIP!

Keep a "Plan B" reserved if you are asked for an alternative, but don't lead with it.

- **Review other municipal non-smoking by-laws**. Work with your legal advisors to determine the best possible non-smoking by-law for your community.

See Planning Effective Enforcement and Appendices C, D in Part 1

- **Learn from other by-laws**. Particularly…

  - Definitions: Well defined terms and provisions are critical for ensuring that the interpretation, implementation and enforcement of the by-law meet its intent.

  - Timing: It is best to have a by-law implemented during the summer months so people can adjust by using outdoor patios to smoke.

  - Ashtrays: Make sure there are no allowances for ashtrays or cigarette butt receptacles in your by-law and that it is the proprietor's resposibility to remove them.

  - Owner/manager responsibility: It is imperative that the owners/managers have some responsibility under the law to inform their employees and patrons of the by-law, post the appropriate signs and request patrons and employees to comply. If reasonable steps are not taken by the proprietor and/or staff, then your by-law should allow for them to be charged.

Samples 1, 14, 15

  - Exemptions: avoid them. They will weaken a by-law and are based on the false premise that negative economic impact results from some establishments following the by-law.

  - Entranceways/patios: Decide what the rules will be and make it clear in your by-law. Most fire codes have provisions which prevent the crowding of entranceways. Patios are not often covered under by-laws so you will need to be clear on what an outdoor patio is and what is not (i.e. establishments may enclose their patios with tent material and attempt to heat them). The City of Kingston in Ontario has recently regulated smoking on restaurant/bar patios and successfully won a court challenge on this issue.[52] A lawyer representing two Royal Canadian Legion branches, several private veterans' clubs and about 14 bars and pool halls in Kingston argued that the city was illegally discriminating against his clients by prohibiting smoking on their premises including outdoor patios, while permitting bingo halls to accommodate smokers in separately ventilated rooms. However, the Ontario Superior Court Judge ruled that the city has the authority to define the classes of people or businesses who will be the subject of discrimination.

Step VI: Determining costs and funding

See Estimating Costs of a By-law Campaign in Part 1

- **Estimate how much your initiative will cost**. In Phase One the major costs include:
  - A public education campaign on the hazards of second-hand smoke.
  - Public opinion research to gauge community attitudes towards a non-smoking by-law.
  - A communications campaign to mobilize the community and encourage council support. You may want to estimate the cost of hiring contract writers too.
  - Funding proposal development
  - Staff time
- Think ahead and estimate the costs of additional advocacy campaigns in Phase Two and the education and enforcement costs for Phase Three.
- **Search out all possible sources of funding**:[53]
  - What type of **ongoing support** can you get from health officials locally, provincially and federally? Support can include expertise or materials, such things as health data, research findings, and insight into the political process, other tools or resources. What other sources of funding are there?
  - Donations (time and materials from individuals and health charities).
  - Corporate sponsorship (formal agreements with businesses who support your cause).
  - Anti-tobacco networks or alliances.

TIP!

Now is the time to establish contact with at least one resource person at each level. You will want to be in regular contact with them throughout your by-law initiative.

TIP!

If you are not familiar with writing funding proposals, there are many good sites on the web that can help you.

- **Prepare proposals**. Develop a generic proposal for your project based on your plans and send out to as many places as possible. Help for proposal writing is available on many web sites and through community organizations.

Step VII: Evaluating your progress

- **Can you pull it off?** You need solid community support and a better than reasonable chance of getting municipal council's backing. If you don't have both of these components, then you still have plenty of awareness and education work to do. If you do, you should be encouraged and excited to proceed!

- **Consider evaluating the following components for Phase One:**

Components	Outcomes	Data Collection Tools	Timing
Public awareness of second-hand smoke	• Increased awareness of the dangers of second-hand smoke and the effectiveness of smoke-free regulations.	• Population survey (A). • Web site survey (B). • Newspaper contest (C). • Session evaluations with presentations or public consultations (D).	• Pre and post media awareness campaign.
Stakeholder and partner support	• Expressed willingness to work together toward smoke-free regulations. • Resource contribution.	• Partner interviews (E). • Stakeholder focus groups questions (F).	• Ongoing.
Public opinion	• Increased support for 100% smoke-free public places (no designated smoking rooms).	• Population survey. • Web site survey. • Telephone and contact records (G).	• Pre and post awareness campaign.
Team functioning	• Expressed willingness to work together. • Demonstrated collaboration.	• Partner interviews. • Team functioning questions (I).	• Check in at least once during this phase.

Phase Two: Action

Getting the smoke-free by-law passed

TIP!

Public officials receive a lot of reading material so keep your information brief and to the point!

Step I: Getting your community ready

- **Map out a specific plan with timelines** working backwards from your municipal council committee meeting date.

- **Make sure elected officials are especially well informed** on the health and economic arguments. You can make your pro-health arguments–including employee and employer benefits–through presentations, in one-on-one meetings, in telephone calls and by distributing information packages.

Fact Sheets 1,2,3

- **Solicit support from the public** by way of a postcard campaign or letter writing campaign to be sent to their political representatives.

Data Collection
Tool H

- **Get your champions out** speaking to the media, countering opponents' arguments, stressing the benefits of a non-smoking by-law at every opportunity.

- **Contact the network of people on your database** and ask them to write letters to your municipal council in favour of the by-law. Develop an inventory of writers who can write short and punchy letters to the editor.

- **Conduct public consultations.** The municipality at some point will need to consult the public on the by-law. You may be part of this process or invited to make presentations. Choose speakers who are well prepared, able to use speaking notes, and are comfortable answering questions. In addition recruit as many supporters to attend the sessions as possible. They don't all need to speak but can show their support by wearing your campaign ribbon/button/t-shirt.

Data Collection
Tool D
Sample 4

- **Get a knowledgeable outsider's perspective** and share it with your community. Bring in someone with experience with a municipal smoking by-law (e.g. a Chamber of Commerce official who can address the fears of business; a tourism official who can discuss the facts and offer advice). Ask the person to speak at a public meeting.

Data Collection
Tools G, K

TIP!

Be careful not to repeat a public opinion survey right before the issue goes to council. This is a time when the debate heats up and the media may cover "negative stories" - public opinion may temporarily wane.

TIP!

Rehearse presentations with your group and conduct practice Q & A sessions.

- **Involve youth**. Ask schools or youth organizations to become involved and encourage them to write letters thanking supporters. They can make a very strong impact at press conferences, and letters from youth to city council members and newspaper editors get special attention.

- **Continue to monitor public support** through media clippings, web site and telephone feedback.

- Research shows that **effective communication involves tailoring your message to the needs and interests of your audience**. A persuasive argument typically includes the following elements:[54]

  - Positions an issue in terms of the interest of the target audience.
  - States the benefits of the proposed solutions.
  - Provides evidence to support the position–statistical data, scientific research, etc.
  - Counters opposing arguments, but avoids disparaging their position.
  - Includes some kind of emotional appeal.

Step II: Working with the media

Data Collection
Tool K

- **Monitor media coverage** as to how balanced the coverage is in supporting smoke-free regulations and also to ensure misinformation is corrected. Media will undoubtedly get it wrong some of the time and you will need to decide on an ongoing basis when to take issue with it and when not to.

  - Start a scrapbook and paste in every article, good or bad. On a daily/ weekly basis (depending on stage of your campaign) evaluate the balance and make decisions on what steps need to be taken in terms of advocacy (e.g. letters to editor, news conferences, staged events).
  - If you have several media sources, assign a staff person or volunteer to be responsible for collecting information from each media outlet (i.e. one to the daily newspaper, one to each weekly newspaper, one to each radio station).

- For larger regions consider hiring a media clipping service.

- **Limit your "official" media spokespeople to one or two** and provide them with training. Anticipate key issues and practice messages before each interview.

- **Determine who in the media might be interested in your stories.** Call or meet with them and make your arguments. Provide them with information on the issue. Contact them regularly to keep them up to date on your initiative.

- **Get your spokespeople on local radio and TV**. Suggest call-in shows and special programs on the topic. Stay focused on the public health aspect of the by-law, including, of course, worker health. The media will want "real people" as well. Try to recruit victims of second-hand smoke, supportive business owners, concerned parents and youth to be interviewed but prepare them well.

- Find an event already happening in your community with any connection to the issue of second-hand smoke exposure and **piggyback** on to it. For example Weedless Wednesday and World No Tobacco Day are ideal times to promote your cause.

- **Show empathy for people who smoke** and remind the media that this by-law is not about hurting smokers but protecting everyone from the hazards of second-hand smoke.

Step III: Communicating with your politicians[55]

- The ultimate goal of your advocacy campaign is to **convince municipal councillors to vote in favour of the smoke-free by-law**. You are ready to take your position to the decision-makers when you have developed a convincing case that is supported by evidence and you have strong public support behind you.

- Whenever you are **communicating with a politician** remember to:
  - Plan in advance what you want to achieve.
  - Be strategic with your timing. To do this, you need to stay informed of developments on your issue.

TIP!

Testimonials from real community members, written or on the radio are an effective way to get your message out.

TIP!

Many communities will share their reports with you. Check their web site or contact them by phone.

Fact Sheet 4

- Be clear and concise. Stick to your key points, provide evidence to support your argument, and, where possible, illustrate your case with real-life examples.

- Focus on the issue. Refrain from any kind of personal attack. Avoid an aggressive or confrontational tone.

- Express your expectations directly–let the decision-maker know what you want them to do.

- Always acknowledge any support you receive.

- Share all communications with your coalition. Keep copies of your correspondence, records of phone calls, and evaluation reports of your meetings.

TIP!

Don't spend a lot of energy trying to convince unsupportive councillors because you are unlikely to change their minds anyway.

Step IV: Preparing for municipal council

- **Draft a report with the proposed by-law** for your municipal council committee.

- Take a head count of the entire municipal council so you can **determine how each member feels about the prospect of passing smoke-free by-laws**. Who is on side, and who is not? Find out what their concerns are and be prepared to address them.

- **Arrange meetings with the elected officials** who will decide the issue. Put together teams of people who represent the particular councillors' riding/ward and address their particular concerns. It can take considerable time and plenty of perseverance to earn support and secure commitment from your municipal representatives. Focus on those who are on the "fence." Get help from a supporter on council to help you develop a political strategy.

Data Collection
Tools B, G, H, J

- **Provide the municipal councillors with data** on constituent support including the number of supportive telephone calls received, web site information, polls, postcard campaigns, etc. Activate your support network to inundate them with support letters and emails. Have businesses sign endorsement letters.

- Encourage your Medical Officer of Health and other **credible health authorities to contact the elected officials**.

- **Try to influence the date scheduled** for the municipal committee to discuss the by-law for a time when you are sure you have solid backing on the council.

- Once the date is set, **prepare presentations** for the committee and council meetings.

  - Recruit and prepare people to speak, such as those representing health organizations, business groups and citizens and workers who are affected by second-hand smoke.

  - Consider asking some youth to be present.

  - Try to influence speaker order so you can have a supporting "hard hitter" speak last and refute any of the opposition's claims before the council votes.

  - Pack the meeting with as many supporters as possible. Have them come prepared to show their support with visual aids such as t-shirts, buttons, etc.

  - Appoint a resource person for the meeting whose job it is to track issues raised and councillors' concerns and misperceptions to clear up later.

  - Keep a box of handouts, fact sheets and resources near you in case you need to clarify misconceptions or refute opposition claims. Also have someone available to run back to the office in case further information is needed or phone calls need to be made.

- Poll your councillors one more time before the decision making meeting so you can **prevent surprises**. Last minute bullet point reminders for them on the day of the meeting may prove useful. Also, a last minute flood of phone calls from supporters might remind them where the support lies.

TIP!

Choose speakers who can speak in media "bytes." It is just a few words that will be heard on the 6 o'clock news.

TIP!

Prepare your staff and supporters for unruly behaviour by some opponents. It is important that you model calm, respectful behaviour.

Step V: Dealing with opposition

Samples 6, 8

- Continually provide correct and **accurate information to the media and the political councillors** to counteract misinformation but avoid direct battles with "he said–she said" scenarios.

- Provide op eds (opinion editorials) or other **articles to the media** on particular issues that seem to need clarification. Be honest with your community if you have made a mistake.

- Be aware that the **tobacco industry may come to town** when the debate heats up, as front groups for businesses or smokers' rights. You probably cannot compete financially with them so instead be prepared to respond to their arguments with solid health arguments. You will have alerted your community already to tobacco industry views.

TIP!

Remember to support your volunteers and not let them burn out. Consider paying students for labour intensive jobs such as stuffing kits and making phone calls.

Step VI: Supporting your team

Data Collection Tools E, I

- Check in regularly with your team and partners to review roles and responsibilities and **evaluate functioning and effectiveness**. The workload for smoke-free campaigns can be quite demanding and will change quickly. The members of your campaign team may also change during the phases of the project.

Step VII: Determining costs and funding

See Estimating Costs of a By-law Campaign in Part 1

- **Estimate costs for Phase Two.** Key cost considerations include:
  - Public consultations to find out where your community stands on the issue.
  - Consultations with business groups and organizations to determine their particular concerns and issues.
  - Advocacy media campaign (e.g. radio print ads, media events/news conferences, communication consultants) to create support smoke-free by-laws and promote a call to action.
  - Promotional material such as buttons/ribbons, posters, t-shirts for community supporters.

- Postcard or similar campaign to monitor public opinion and elicit community support.
  - Web site development and maintenance (if chosen).
  - Staff time to coordinate the above initiatives and work with community coalition members.
- Search out **all possible sources of funding and prepare proposals** as needed.

Step VIII: Evaluating your progress

Components	Outcomes	Data Collection Tools	Timing
Public and politician support	• Support comments > non-support comments. • Majority of voting local government councillors in favour of 100% smoke-free regulations.	• Interviews and focus groups. • Web site survey. • Postcards (H). • Telephone and contact records.	• Ongoing.
Stakeholder support	• Letters of commitment to smoke-free public spaces. • Resource contribution (includes in-kind) to project.	• Partner interviews. • Politician interviews. • Public consultation evaluations. • Business commitment letters (J).	• Ongoing.
Media coverage	• Balanced media coverage of support vs. non-support.	• Media monitoring records (K).	• Ongoing.
Work team and partnership functioning	• Expressed willingness to work together. • Demonstrated collaboration.	• Partner interviews. • Team questions.	• Check in at least twice during this phase.

Phase Three: Maintenance

Keeping smoke-free by-laws in place

TIP!

Invite people from other jurisdictions to your training to share their enforcement experience.

Step I: Establishing and implementing the enforcement process

- **Once a by-law is enacted in your community but before it is implemented:**
  - New committee and accountability structures will need to be established.
  - In many cases team members will change as the municipal enforcement and legal department take over implementation. It will remain important to have the "health" perspective at the table to ensure the purpose of the by-law is maintained.
  - Establish procedure for visiting and inspecting public places, responding to complaints and ticketing.
  - Enforcement personnel will need to be educated on the new by-law and trained on how to deal with difficult situations in public places. Include conflict resolution and role-play, lots of time for questions and answers and follow-up with officers who were in the field.

See Planning Effective Enforcement, Some Legal Considerations and Appendices C, D in Part 1

TIP!

It is prudent to give your politicians, in advance, the information you are distributing to the public first. They will also want to be able to answer their constituent's questions.

Step II: Educating your community

- **Implement a public education campaign** to inform your community of the implementation date and where they can get more information. This will help to accelerate compliance, address misunderstandings and complaints.
- **Make use of community events** to reinforce your messages around smoke-free indoor environments. Distribute material or set up information kiosks.
- Establish and **promote information phone line numbers** and access to email resources for the public and business owners/operators.
- Consult with the business community to **prepare a business education kit** to include:

- "No smoking" signs.
- A summary of the new by-law.
- Tip sheets, Q & A's.
- A list of smoking cessation programs.
- Table tents, or something similar.

Samples 10, 11, 12, 15, 16

- **Provide as much information as you can** about the new by-law, signage and enforcement responsibility to the establishment owners/managers. Make sure they know they have an important role in the success of the by-law.

TIP!

The more education provided in advance, the less enforcement will be needed in the end.

- **Deliver the information kit personally** to establishments affected by the by-law. Make the information also available by telephone or email request. Keep track of everyone who has been given the information.
- **Engage the media** with good news stories about enforcement officers and satisfied business owners and members of the public.
- To **institutionalize education of the business community**, some cities place brochures in business license applications and renewals.

Data Collection Tools M, N

Step III: Implementing the by-law

- An event to launch the by-law may not be necessary. Most communities find that the media cover the implementation date without any prompting from the by-law supporters. You may however want to **line up some positive owners and patrons to be interviewed**.

TIP!

Keeping the media informed with statistics on enforcement visits and charges during the first couple of weeks will help them with their stories, prevent you from being bombarded with media calls every day and ensure the "correct" information is getting out.

- **Consider a warning phase** (one month or less) prior to implementation in which only warning tickets are issued. This will further business awareness but will also help enforcement personnel determine in advance potential "negative" or non- compliant establishments.
- Ensure there are **adequate numbers of enforcement officers** available to visit each public place in your community two to three times in the first couple of months. This will show that you are serious about enforcement and also provide an opportunity for further education.
- **Show that the by-law has teeth**, once the implementation is in force, by issuing tickets to all who do not comply. By-laws that permit charging owners/managers have been most successful in deterring smoking in public places.

See Planning Effective Enforcement, Some Legal Considerations and Appendices C, D in Part 1

Samples 1, 2

- Use only **experienced enforcement staff** to enforce the by-law initially as sometimes they are put in volatile situations. Arrange for junior staff to cover off other duties.

- Encourage and support your enforcement officers to **apply the by-law equitably and fairly**. The first several months are tough and they can use your support. Positive media stories will help as well.

Data Collection Tool K

Step IV: Monitoring and maintaining public support

- **Keep the issue in the public eye** through paid or "free" media. Now that the by-law is in force, you need your media spokespeople to be available for comment. The tone of any commentary should be positive and non-confrontational.

- Make the **public aware of how well the by-law is working**. Through the media and correspondence with councillors, your pro-health coalition should be giving informal reports on the by-law's effectiveness. Highlight key businesses that are in compliance to keep the story upbeat.

- **Anticipate resistance** and prepare a reasoned response. There always will be people who are unhappy with the by-law (smokers' groups, the tobacco lobby, business owners hurting due to other factors). No doubt, they will be vocal. Return to your champions and supporters and get the positive stories out, too.

Step V: Preparing for legal cases

- All visits to public places about the new smoke-free legislation should be recorded, whether they are made by official enforcement officers or not. In addition, mailing address lists to which information about the new legislation has been sent and all records of telephone contacts should be kept. These **records may be important** in future court cases if establishments claim they were unaware of the legislation.

- Ensure your enforcement officers **keep legal notes from every interaction** related to the new by-law.

- When a case does go to court, the **legal advisors** with the municipalities will advise you on how to proceed.

TIP!

Keep track of the names and contact information for all businesses and public places to whom you have delivered information kits and record all positive and negative comments. An up-to-date, reliable database will assist you in possible court cases and also help you plan your enforcement strategy.

Step VI: Celebrating your successes

- Don't forget to celebrate your success at several milestones. The first day of the by-law is a momentous time for your team so you will want to do something special. However, not everyone will be as happy about it as you will, so you may want to keep your celebration low key.

- After one year plan a larger celebration and offer awards and congratulatory messages to those most involved in making it happen.

- Consider marking the anniversary date every year from then on to celebrate your tobacco control success. Perhaps use this date as an opportunity to launch other tobacco control initiatives.

Step VII: Determining costs and funding

See Estimating Costs of a By-law Campaign in Part 1

- **Estimate costs for Phase Three**. Key cost considerations include:
  - Enforcement officers hired or contract from existing sources to visit/educate businesses and enforce by-law.
  - Training sessions and support for enforcement officers.
  - Public awareness campaign to ensure awareness about the by-law.
  - Business education campaign to provide appropriate signage, information on the by-law, what to do if there is non-compliance and consequences of non-compliance
  - Legal costs of ticketing procedures and court proceedings.
  - Compliance monitoring and evaluation through public opinion surveys. Some communities may consider a more comprehensive economic evaluation which will require significant funding and may not be advisable. See discussion in Evaluation section of Part 1.
  - Media campaign to show public support and compliance with outcome of by-law.
- Search out **all possible sources of funding and prepare proposals as needed**.

Step VIII: Monitoring compliance and evaluating your progress

- Conduct a formal, ongoing evaluation of compliance and public opinion to determine if you are achieving the expected results. You may want to ask your health charity partner or municipality to hire an independent consultant to evaluate the by-law's economic impact. Remember, though, that to understand the true economics of smoking bans requires that all costs and cost savings be considered; not just the impact on bars and restaurants. Such comprehensive outcome and impact evaluations can be expensive. However there are many existing studies from which your community can draw (see the evaluation section in Part 1 of this guidebook). For smaller communities, it is most important at this point to monitor compliance with the new smoke-free legislation and demonstrate increasing public and business support to your politicians.

Components	Outcomes	Data Collection Tools	Timing
Smoke-free regulation awareness	• Awareness by public places of smoke-free regulations > 80%. • > 80% of establishments visited have appropriate signage. • Satisfaction with information and enforcement process by establishments affected by regulation.	• Population survey revised (L). • On-site survey (M). • Enforcement Officer records (N).	• Pre-enactment. • At 2, 6 and 12 months following.
Media coverage	• Balanced media coverage of support vs. non-support.	• Media monitoring tool.	• Ongoing for first year.
Political support	• Support remains as high as it was when regulation passed.	• Interviews.	• Check in at 2, 6 and 12 months.
Team structure and functioning	• Expressed satisfaction with new team structures.	• Interviews.	• Ongoing.

Part 3
Resources

Fact Sheet 1

Economic Impact of Smoke-free Legislation

Some common misconceptions raised by opponents about smoke-free by-laws are that smoking restrictions will:

- Threaten jobs in the hospitality industry.
- Weaken the economy overall.

However, study after independent study, based on sales tax receipts, shows that smoke-free legislation has no negative impact on restaurant, bar, hotel and tourism receipts. Just after a by-law is implemented, businesses that are already in trouble may feel some effects, but after a short adjustment period, most businesses get back to their usual level of sales.

The overwhelming evidence is that smoke-free by-laws are actually good for business and many businesses increase their sales. Non-smokers, who make up the majority of the population, frequent eating and drinking establishments more often, and smokers do adjust to the new rules. Tourists are pleasantly surprised by the fresh indoor air and return year after year. Money not spent on tobacco can be spent on other things and help boost the local economy.

The impact of smoke-free by-laws on hospitality establishments is only one factor in the equation. Understanding the true cost of smoking bans requires that all costs and cost savings be considered. These other substantial costs to the economy include:

- Direct health costs, including hospitalizations, physician fees, prescription drugs.
- Lost productivity due to illness.

American studies also show that smoke-free by-laws don't hurt business. For example:

- **Just 2.5 years after bars went smoke-free in California, 91% of bar patrons were either going to bars more often or had not changed their bar-going behaviours as a result of the law. On average, bar patrons are staying longer at bars.**[1]
- **A study in the Journal of the American Medical Association found that smoke-free restaurant by-laws in three American states and six major cities had no adverse effect on tourist business, and may have actually increased it.**[2]

[1] "Support for Smoke-Free Bars Grows Stronger In California," Business Wire, October 16, 2000

[2] Glantz, S. and A. Charlesworth. 1999. Tourism and Hotel Revenues Before and After Passage of Smoke-Free Restaurant Ordinances JAMA. 281: 20, 1911-18.

- Higher life, health, and fire insurance premiums.
- Cleaning and maintenance costs.
- Property damage.
- Lost productivity due to premature death.
- Other costs related to premature death.

After a smoking ban comes into effect, economic savings begin to accrue immediately, then increase rapidly as lung cancer and heart disease risks from exposure to second-hand smoke decline dramatically. In addition, workplace smoking bans generate considerable savings from decreased active smoking due to higher quit rates and lower daily cigarette consumption.

Scientific Evidence

- According to an independent study prepared for the Workers' Compensation Board of B.C., and based on hospitality liquor purchases, there were no long-term negative effects on business after the by-law. The B.C. Liquor Distribution Branch found an increase in hospitality beverage sales in the Capital Region District during the first nine months after the by-law came into effect.

- A national study by the Conference Board of Canada found that "The case study and the validation survey do not support the fear that going smoke-free would be detrimental overall for business. The experience of going smoke-free was a positive one for a majority of restaurants examined in this study."

- A KPMG study of Ottawa one year after the city implemented their smoke-free by-law revealed a net gain in pubs and bars, despite the effects of the smoking ban, the threat of terrorism and the downturn in the high tech industry.

- According to a recent study of Ottawa's by-law situation by researchers at the Ontario Tobacco Research Unit, instituting smoke-free by-laws in public places like bars and restaurants has no negative impact on food and drink sales.

- Studies of tobacco industry documents reveal they have spent millions of dollars promoting false arguments about second-hand smoke to prevent smoking bans because of a fear of lost cigarette revenues. Furthermore, recent research has shown that every study that has concluded a negative economic impact in the hospitality sector due to smoke-free policies was funded by the tobacco industry, compared to none of the non-industry supported studies.

So, for the record:

- Smoking restrictions have not been shown to threaten jobs and the economy.
- Restaurants and bars will probably lose some smoking customers. But they will probably gain non-smoking customers, and some of their smoking customers will return.
- If some establishments do go out of business (a common occurrence in the hospitality industry), it is unlikely that a non-smoking by-law will be to blame.

Sources:

Colman, R. (2001). *The Economic Impact of Smoke-Free Workplaces: An Assessment for Nova Scotia.* GPI Atlantic.

Ontario Tobacco Research Unit (2003). *The Economic Impact of a Smoke-free By-law on Restaurant and Bar Sales in Ottawa, Canada.*

Workers' Compensation Board of British Columbia (1999). *Analysis of WCB assessments in food concessions/restaurants and in pubs/bars for Victoria and other areas.*

Conference Board of Canada (1996). *The Economic Impact of Smoking Bans in Restaurants.*

KPMG (2002). *Economic Impact Analysis of the Smoke-Free By-laws on the Hospitality Industry in Ottawa.*

Physicians for a Smoke-Free Canada (2002). *Behind The Scenes: How Canadian Tobacco Companies Orchestrated The War On Smoking Bans.*

Scollo, M., Lal, A., Hyland, A. and Glantz, S. (2003). "Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry." *Tobacco Control* 12: 13 -20.

Fact Sheet 2

Second-hand Smoke

There is NO safe level of exposure to second-hand smoke

- Second-hand smoke–also known as environmental tobacco smoke (ETS) or passive smoke–is a combination of the smoke exhaled by a smoker, and the smoke that drifts into the air from the burning end of a cigarette, pipe or cigar (sidestream smoke).

- Second-hand smoke is responsible for more than 1,000 lung cancer and heart disease deaths among non-smokers each year in Canada.

- It is poisonous!

- There are more than 4,000 chemical compounds in second-hand smoke, including carbon monoxide, ammonia, hydrogen cyanide, and formaldehyde. At least 50 of these chemical compounds can cause or promote cancer.

- The United States Environmental Protection Agency has declared second-hand smoke a Class A cancer-causing substance. Class A is the most dangerous of cancer agents. There is no known safe level of exposure.

- Second-hand smoke has more than twice as much nicotine and tar as the smoke smokers inhale. It also has five times the carbon monoxide, which decreases the amount of oxygen in the blood.

- About two-thirds of the smoke from a burning cigarette is not inhaled by the smoker but enters the surrounding environment. The contaminated air is inhaled by anyone in that area.

- Exposure to second-hand smoke for even short periods can cause eye, nose and throat irritation, headaches, dizziness, nausea, coughing and wheezing. It can severely aggravate symptoms in people with allergies or asthma. Long-term exposure has been linked to heart disease, cancer and death.

- In young children, second-hand smoke can result in chronic respiratory illness, impaired lung function and middle ear infection. For pregnant women, second-hand smoke can result in low birth weight babies and a greater likelihood of complications during pregnancy and delivery.

- Ventilation systems do not remove all the harmful chemicals found in second-hand smoke. There is only one way to eliminate second-hand smoke from indoor air: make it a smoke free environment.

- Municipal by-laws that restrict smoking in public places help to protect workers who otherwise must work in environments highly polluted by tobacco smoke. Many restaurant, bar and casino workers experience higher risks from exposure to second-hand smoke in the workplace. Colman (2001) states that in restaurants, bars and casinos, second-hand smoke levels can be much higher than in workplaces that do not have smoking restrictions.

- In addition, food service workers have a higher rate of lung cancer than the general population.

What can you do about second-hand smoke?

- Support smoke-free by-laws covering public places, including workplaces. Contact your municipality's health office or your elected representative.

- Encourage others to support smoke-free public places.

- Make your home and car smoke-free.

- Avoid places where smoking is permitted.

- Take every opportunity to let others know that second-hand smoke is much more than a nuisance. It's a public health hazard.

Sources:

Health Canada. *Go Smokefree!* http://www.gosmokefree.ca

Colman, R. (2001). *The Economic Impact of Smoke-Free Workplaces: An Assessment for Nova Scotia*, GPI Atlantic.

Fact Sheet 3

Ventilation of Second-hand Smoke

Some of the people who oppose smoking restrictions suggest that ventilation can clear second-hand smoke from restaurants, bars and other public places. They wonder why anyone would advocate smoke-free indoor spaces when ventilation systems can do the job.

Well, they can't. Contrary to what you may have heard, no ventilation system can completely remove second-hand smoke.

Indeed, they can't even remove second-hand smoke fast enough to make a significant difference. Electronic air cleaning systems would need to increase the air exchange rate a thousand fold to be effective–resulting in gale force winds!

The American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) sets standards for ventilation rates in North American and beyond. ASHRAE maintains that there is no acceptable ventilation process for second-hand smoke. That is, no ventilation system is capable of making the air meet clean air quality standards. Since 1999, ASHRAE's standards apply only to air that doesn't contain cigarette smoke.

Increasing ventilation can dilute the smoke in a room, but will not make it safe since there is no known safe level of exposure to the carcinogens in cigarette smoke. Because there is no acceptable level of second-hand smoke, removing the source–the smoke–is really the only solution.

Restricting smokers to a separate room will only help the non-smokers in the other room if the smoking room has its own ventilation system, and if the room is completely isolated with no connecting doors. Still, separately ventilated smoking rooms still mean these smokers are being exposed to the harmful effects of second-hand smoke. Why would establishment owners want to create an unsafe environment for their customers, their staff and themselves?

More than 45,000 people will die this year in Canada from tobacco use. More than 1,000 of them will be non-smokers.

Ventilation systems don't protect people from the many harmful effects of second-hand smoke. An *inferior* option, such as ventilation, is not a healthy option at all. Worse, it might give non-smokers a false sense of protection.

Sources:

Physicians for a Smoke-Free Canada (2001). *Questions and Answers on Ventilation of Second-Hand Smoke*-fact sheet.

Health Canada. *Go Smokefree!* http://www.gosmokefree.ca

Fact Sheet 4

Advocacy Ideas for Promoting Smoke-Free Legislation

The ultimate goal of your advocacy campaign is to convince municipal councillors to vote in favour of the smoke-free by-law. Below are some of the many ways you can effectively influence these key decision-makers in your community.

Letters/Emails

Politicians pay attention to letters from constituents, so it is important to get as many people as possible to write letters to their councillor in support of the smoke-free by-law. Letters are particularly useful in the following situations:

- To make a formal request for a meeting.
- To summarize your understanding of the councillor's position on an issue, from a previous meeting or telephone call.
- To outline your group's position.
- To convey key information to the decision-maker.

Tips for improving the impact of your letters include:

- Always send personalized letters–never send a form or generic letter.
- Keep the letter to a maximum of two typed pages.
- Ask for a response.
- Follow up with a phone call or letter to determine the progress being made.

Phone calls

Phone calls to your municipal councillors are a quick and easy way to express yor position on an issue. Since some people may be too intimidated to call their representative/policians; let them know that constituents usually do not get to speak directly to the politician. Nontheless, the constituent's views are recorded by the staff person and passed on to the councille.

Some **tips** for getting the most out of your phone call to your councillor are:

- Keep your call short–under ten minutes.
- Give your name, and indicate who you are (e.g. a constituent, employee, parent, family member, and volunteer) and why you are calling.
- Avoid calling from a cell phone if the connection will not be crisp and clear.
- Ensure that your call will be uninterrupted.
- Follow up with a letter to the councillor to reiterate your message and your under standing of the councillor's position on the issue.

Meetings

Meetings with elected representatives are important in that they help to personalize the issues and to establish relationships.

Some **guidelines** for making the most of your meeting with a municipal councillor are:

- Call to set up an appointment. Follow up with a letter confirming date and time and summarizing the purpose of the visit.
- Select a small group of people to attend the meeting, a maximum of five, and choose a key spokesperson. At least one person should be from the councillor's ward.
- Make sure everyone knows the purpose of the meeting and the main points to be covered.
- Rehearse responses to anticipated questions.
- Begin the meeting by making introductions then thanking the councillor for agreeing to meet with the group and acknowledging past support on related matters, if appropriate.
- If you are asked questions you can't answer, offer to send the information later.
- At the end of the meeting, briefly summarize the main points you want the councillor to remember and reiterate any commitment the councillor made to your group.
- Leave a background report or fact sheet that provides a referenced summary of the information your group presented. Include the names and telephone numbers of the people attending the meeting.

Presentation to Municipal Council

A formal meeting of city council or a committee of council gives you the opportunity to educate politicians about your issue and to get your position on the public record. Typically, public deputations are only allowed to be three or five minutes in length. Therefore it is important to prepare a written submission to go along with your oral presentation. To make a request to appear before municipal council or a committee of council and to find out the rules, contact the relevant clerk.

Talking to other people

You can be always be an ambassador for smoke-free public places. If you are comfortable talking to groups, call some community organizations in your area and ask to make a presentation to them. If you prefer talking one-on-one, call your friends, neighbours, work colleagues and relatives and tell them why you are supporting smoke-free public places.

Sources:

Health Canada (in press). *Advocating for Smoke-Free By-laws: A Campaign Resource Book for Community Advocates.*

Ontario Campaign for Action on Tobacco (OCAT). *The Smoke-Free Lobby. An Advocacy Guide for Volunteers and Staff Working Towards a Smoke-Free Ontario.*

For more ideas see:

- Physicians for a Smoke-Free Canada (1997). *How Governments Work and How to Convince Them to Control Tobacco–Practical tips to improve your political game.*
- Program Training and Consultation Centre (2001). *The Power of One/The Power of Many: Tobacco Action Plan for This Generation.*
- Ontario Campaign for Action on Tobacco. The Smoke-Free Lobby. *An Advocacy Guide for Volunteers and Staff Working Towards a Smoke-Free Ontario.*
- Ontario Confederation of University Faculty Associations. *Lobby Kit for Meeting with Members of Provincial Parliament.*

Fact Sheet 5

Countering Opponents

During a smoke-free by-law campaign it is important to be aware of what your opponents are doing and saying and to be strategic in countering their claims. Here are some **ideas**:

- Don't assume that all smokers oppose a smoking ban. Time and again research shows that most smokers want to quit and don't want their children to become smokers. Educate the public not just about how the by-law will protect people from second-hand smoke, but also about how smoking bans have been proven to help people quit and to prevent young people from starting to smoke.

- Before rebutting a public criticism of the by-law or the coalition, consider the source. If the individual or organization has little credibility, ignore their attacks.

- Be on the lookout for any possible ties between your opponents and the tobacco industry or its allies. Expose the industry's influence whenever possible, particularly their involvement in spreading misinformation about the economic consequences of smoking bans. Politicians see the issue very differently when they can be shown that the opposition coming from local bar and restaurant owners is in fact being supported by big tobacco and its allies in the hospitality sector.

- Use the media to maximize coverage of your rebuttal. If the media refuses to print or air your response to a substantial piece of misinformation that the opposition is spreading, be creative in getting your message out to the public and councillors. Post your response on your web site. Send a personalized letter to all your local councillors to correct the misinformation. If the allegation is damaging enough, consider taking out an advocacy ad in local newspapers to make sure the public gets the true facts.

Rebuttals to common arguments against smoke-free by-laws

THE COALITION'S CAMPAIGN IS A WASTE OF TAXPAYERS' MONEY

- Opponents often turn their attack on the coalition itself, particularly when it is waging a successful campaign. Typically opponents will criticize how much money the coalition is spending, what the coalition is spending money on, and where the funding came from for the coalition's advocacy campaign. The coalition thus needs to keep accurate and current financial records and be able to explain its funding and expenditures. To counter the criticism, the coalition should put its expenditures in context:

- By expressing the total spent as an amount per capita.

- By comparing its expenses to the cost of treating diseases from tobacco use and exposure to second-hand smoke.

- By emphasizing the research showing that smoking bans reduce smoking rates and improve workers' health.

A SMOKING BAN INFRINGES AN ADULT'S RIGHT TO CHOOSE

- Opponents often argue that a ban on smoking in public places infringes an adult's "right to smoke" or that adults should have the right to choose whether or not they want to patronize an establishment that permits smoking. Arguments to counter these claims include:

  - There is no constitutional right to smoke.

  - A ban on smoking in public places does not prevent anyone from smoking but merely controls where people can smoke to prevent tobacco smoke from harming the health of others.

  - Smokers can choose to harm their own health but they do not have the right to harm others by exposing them involuntarily to second-hand smoke.

  - Occupational health and safety laws across the country exist to protect workers from known and preventable health hazards in the workplace. Second-hand smoke has been designated a Group A carcinogen, for which there is no safe level of exposure. All employees, regardless of their occupation, deserve equal protection from second-hand smoke in the workplace, not just those who work in offices. Workers in bars and restaurants should not have to choose between theirhealth and their job.

A SMOKING BANWILL CAUSE ECONOMIC HARDSHIP

- The most common argument against a smoke-free by-law is that hospitality establishments, particularly bar and restaurants, will lose revenue or go bankrupt if their patrons are no longer permittd to smoke. Although this claim is repeated in every community considering a smoking ban, there is no scientific research to support it. The coalition should educate the public and councillors on the fact that objective, peer-reviewed studies show that the hospitality sector is not harmed by smoking bans.

See Fact Sheet #1 for more information on the true economic impact of smoke-free by-laws.

VENTILATION IS THE IDEAL COMPROMISE

- The latest approach of opponents of smoking bans is to focus on ventilation as the ideal compromise, claiming that state-of-the-art ventilation systems would protect the public from second-hand smoke, while permitting smokers to continue to light up in public places. However, there is no technology on the market or under development that can reduce the toxins from second-hand smoke to an acceptable level of risk.
- If such an option existed and in fact afforded adequate protection from second-hand smoke, advocates for protection from second-hand smoke would surely support it.

See Fact Sheet #3 for more information about ventilation.

Sources:

Health Canada (in press). *Advocating for Smoke-Free By-laws: A Campaign Resource Book for Community Advocates.*

For further description of the arguments used by the tobacco industry see:

- Physicians for a Smoke-Free Canada (2002). *Behind the Scenes: How the companies tried to use "ventilation" solutions to block restrictions on smoking.* Available at: *http://www.smoke-free.ca/documents/ventilation.htm*
- OCAT. *Opposition to Smoke-free policy: Arguments –" junk science."* Available at: *http://www.ocat.org/opposition/index.html*

For more information on ventilation see:

- Repace, J. (2000). *Can Ventilation Control Second-hand Smoke in the Hospitality Industry?* Available at: *http://www.dhs.ca.gov/tobacco/documents/FedOHSHAets.pdf*
- Ontario Tobacco Research Unit (2001). *Protection from second-hand tobacco smoke: a review of the evidence regarding best practices,* pp. 21-29.

Smoke-free By-law

These are examples of clauses in non-smoking by-laws

See Appendix B in Part 1 for a model smoke-free by-law that incorporates the clauses below

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Your Municipality

Non-smoking By-law No. ______007

- This by-law takes effect ______.
  (Spring/Summer implementations have been more successful than Fall/Winter)
- The purpose of the by-law is to significantly limit the public's exposure to the damaging health effects of second-hand smoke. *(Maintain focus on health benefits)*
- The purpose of the by-law is also to protect employees who work in indoor public places and patrons from the damaging health effects of second-hand smoke. *(Basis for not having exemptions for any sector)*
- An indoor public space is defined as any part of an enclosed place to which members of the public have access. *(It's critical to also define patio or outdoor space)*
- Examples of indoor public places covered by the by-law include:
  (Can be listed or implied by the definition of indoor public places)
  - Shopping malls
  - Billiard rooms
  - Community clubs
  - Restaurants
  - Bars
  - Day care centres
  - Bowling alleys
  - Taxis
  - Arcades
  - Bingo halls
  - Arenas

- Bus shelters
- Theatres

- A proprietor may allow smoking in:
  **(Usually implied by omission in definition or in defined exemptions)*

  - Private, member-only clubs (no employees)
  - Guest rooms in hotels, motels and inns
  - Rooms or halls rented for private social functions
    **(Limit if primarily a public place)*
  - Outdoor spaces meeting defined criteria

- An education campaign for the public and business owners on the implementation of the by-law will begin in ______.
  **(Hand deliver information kits month prior to implementation date)*

- Signage carrying the text and/or graphic for No Smoking (include sample in by-law) will be provided to all affected businesses.
  **(Include what is required if signs are permitted to be made by proprietor)*

- Include authority of enforcement inspectors in home-based businesses.

- The by-law provides for fines of not less than the following amounts:
  **(Applied for, not written into by-law)*

Offences	Individual	Corporation
First	$100	$500
Second	$200	$700
Third	$300	$1,000
Maximum	$1,000	$5,000

- Need more information? Call the **Smoking By-law Information Line at** ______ after ______. **(Separately promoted, not written into by-law)*

Summary of Amended Smoke-free By-law

What Does Our City's Non-smoking By-law Regulate?

Our earlier smoking by-law regulated *public* spaces. This included restaurants, food outlets, service lines, malls, retail outlets, elevators, stairways, lobbies, hallways, reception areas, washrooms, public transportation (but not taxis), and school buses.

Our *amended* smoking by-law broadens this coverage to include all restaurants and small retail businesses, licensed premises, entertainment and leisure services, and public entrances. Additional "places of public assembly" that are covered are laundromats and businesses which open onto a public area.

A "place of public assembly" is defined as: "A building or part thereof used, or intended to be used, by the public, whether gratis or for a fee, for civic, political, travel, religious, social, educational, entertainment, recreational or like purposes."

The changes have taken into account concerns about the cost of separate, enclosed areas and ventilation systems. Our amended by-law does not require separate facilities or air circulation systems.

Our revised by-law attempts to create a level playing field for business. Although the required amount of non-smoking seating varies, depending on the type of business, all businesses are required to provide a non-smoking area, to post signs, and to restrict smoking in public entrances such as doorways.

Letter to a Municipal Representative

Municipal representative's name
Address
Telephone number

Hello:

My name is _________________________ and I am a voter in your area. I am deeply concerned about the delay in implementing an effective non-smoking by-law in our municipality. I have heard that this municipality is seriously considering shelving plans for a non-smoking by-law until our neighbouring municipalities agree to pass their own by-laws/until the province acts on this matter/until a so-called compromise, a ventilation "solution" is agreed upon/etc.

I want to register my strong opposition to this municipality's delay on this important public health matter.

OR

I am concerned that this delay signals that business fears are being put ahead of public health.

OR

I am concerned because…

A ventilation solution is no solution at all. It is not possible to use ventilation to reduce second-hand smoke to a safe level. Ventilation solutions may remove some of the odour and eye irritation, but the toxins in cigarette smoke cannot be removed from the air before reaching the breathing area of workers and customers.

OR

Second-hand smoke causes lung cancer, heart disease, respiratory disease, and a host of other debilitating diseases. This province's Ministry of Health estimates that second-hand smoke kills about ____ non-smokers each year in our province.

OR

Second-hand smoke accounts for more than 1,000 lung cancer and heart disease deaths in Canada each year.

OR

Workers, of course, deserve the same protection as everyone else. Restaurant, bar and casino workers are especially at risk from workplace exposure to second-hand smoke. In restaurants, where smoking is permitted, second-hand smoke levels can be up to twice as high as in other workplaces that do not have smoking restrictions. In bars and casinos, they are four to six times as high. Food service workers have a higher rate of lung cancer than the general population.

OR

Two-thirds of the smoke from a burning cigarette is not inhaled by the smoker but enters the surrounding environment. The contaminated air is inhaled by anyone in that area.

OR

Health Canada requires health warnings on cigarette packages because of the known health hazards caused by cigarette smoke.

OR

(Offer a personal reason. You worked in a smoke-filled environment, a friend or relative has been negatively impacted by tobacco smoke, you are a parent and wish to see tobacco use restricted, you are a smoker who would like support in quitting, you are an ex-smoker who wants to see smoking restricted, etc.).

I would ask that you and your fellow representatives act responsibly to ensure that truly effective smoking restrictions be implemented as soon as possible.

Please protect the workers and patrons of this municipality.

To enlist the support of other residents, make this sample letter available, and provide a list of all area municipal representatives, their email addresses and constituency telephones numbers.

Sources:

Health Canada. *Go Smokefree!* *http://www.gosmokefree.ca*

Colman, R. (2001). *The Economic Impact of Smoke-Free Workplaces: An Assessment for Nova Scotia*, GPI Atlantic.

Siegel, M. (1993). *Involuntary smoking in the restaurant workplace: a review of employee exposure and health effects.* Journal of the American Medical Association. 270(4): 490-493.

Johnson, K.C., Hu J., Mao Y. and The Canadian Cancer Registries Epidemiology Research Group (2001). *Lifetime residential and occupational exposure to environmental tobacco smoke and lung cancer in never-smoking women, Canada 1994-97.* International Journal of Cancer, 93:902-6.

Presentation to Council

Hello. My name is ________________ and I am a volunteer with the ________________ group of this municipality. I have been a volunteer with ________________ ever since my oldest child was of school age. As soon as he started to move out into the world, I realized he would become aware of something he hadn't been before. Tobacco smoke.

That's why I decided to team up with other parents and work to reduce tobacco use and exposure to second-hand smoke. Promoting smoke-free indoor public spaces has been one of the cornerstones of our strategy. We favour smoke-free by-laws because they reduce tobacco consumption, encourage people to quit and reduce everyone's exposure–including workers–to dangerous second-hand smoke. Senior public health officials in Canada and the U.S. have concluded that second-hand smoke causes disease and death in healthy non-smokers. Indeed, they point out that there is **no safe level** of exposure to second-hand smoke. We implore you to consider:

- Second-hand smoke has **twice** as much nicotine and tar as the smoke that smokers inhale.
- Two-thirds of smoke from a burning cigarette is **not inhaled by the smoker** but enters the surrounding environment.
- In Canada, second-hand smoke is responsible for more than 1,000 lung cancer and heart disease deaths **each year.**

Our position on municipal by-laws does **not** support ventilation of any kind as a solution. There is only one way to eliminate second-hand smoke from indoor air: eliminate the source. We wish to register our strong opposition to this municipality's delay on this important public health matter.

OR

We are concerned that this municipality's delay in implementing a non-smoking by-law signals to **all**, that business fears are being put ahead of public health.

OR

Our group supports the proposal that has been brought forward to make this municipality smoke-free. We ask that this council implement it without delay. We will be following your actions on this matter with great interest.

Thank you.

Sources:

Health Canada. *Go Smokefree! http://www.gosmokefree.ca*

Letter of Thanks

(May be sent to mayor and council.)

Dear Mayor ____________________:

Please accept our sincere thanks for the tremendous support you provided for a local by-law to restrict smoking in public places. The by-law provides significant protection for both patrons and staff from the hazards of second-hand smoke. Thanks to you and your council's leadership, several other municipalities are now developing similar by-laws.

We greatly admire the dedication and passion that you showed for this vital public health issue. You examined the evidence and made the right decision for our community, in spite of considerable opposition.

The experience of other jurisdictions is clear. An effective by-law must be well crafted, widely promoted and evenly enforced. As you move to implement the by-law, we would be pleased to meet with you to discuss how we may be of assistance.

You should be very proud of the role you and the majority of councillors played in the passage of this by-law. Your determination to act for the greater good will have a lasting impact on this municipality.

Sincerely,

Coalition for a Smoke-Free Municipality

c.c. Municipal councillors

Letter to the Editor

Dear Editor:

The tobacco industry and other opponents of non-smoking by-laws have spent a small fortune trying to discredit campaigns to eliminate second-hand smoke in public places. More than 20 years of research, however, clearly supports the international health and scientific community's assertion that there is no safe level of exposure to second-hand smoke.

According to research compiled by Health Canada:

- Second-hand smoke contains twice as much nicotine and tar as the smoke smokers inhale.
- Two-thirds of the smoke from a burning cigarette is not inhaled by the smoker, but enters the surrounding air.
- Second-hand smoke is responsible for more than 1,000 lung cancer and heart disease deaths in Canada each year.
- Children exposed to second-hand smoke have an increase in respiratory ailments, such as bronchitis, pneumonia, middle ear disease, changes in lung development and decreased lung function. Second-hand smoke can trigger asthma attacks in young asthmatics and may even induce asthma in healthy children.
- Among adults, exposure to second-hand smoke can lead to lower respiratory tract infections, reduced lung function, and severe irritation of the upper respiratory tract.
- Hospitality industry workers, in particular, can be exposed to extremely high levels of second-hand smoke. Smoke-free by-laws that include restaurant and bars are the most effective means to ensure that hospitality employees get the same protection from second-hand smoke as workers in other sectors.

Clearly, municipal smoke-free by-laws are essential if we wish to eliminate the health risks of exposure to second-hand smoke in indoor public places. Our elected civic officials have a **responsibility** to act on this important public health matter. They cannot act soon enough.

Sincerely,

Concerned Resident

Sources:

Health Canada. *Go Smokefree! http://www.gosmokefree.ca*

Letter to Business Owners

(May be sent by a municipality.)

Dear Proprietor:

Re: New Smoking By-law

We would like to take this opportunity to remind you that, as of ________________, this municipality's smoking by-law requires that public places and workplaces be smoke-free. We welcome your support as, together, we embark on this important public health initiative.

Please note that interim smoking regulations that were enacted on ________________ and covered bowling alleys, pool halls, bingo halls and restaurants, including bars, will no longer apply as of ________________.

This municipality's new by-law will provide extensive protection for workers and the public from the health risks associated with second-hand smoke. We are delighted to have you on side and will be pleased to help you in any way.

We are enclosing a variety of resources to assist you in implementing the by-law, including:

- A brochure detailing the by-law.
- Answers to commonly asked questions about the by-law.
- A leaflet outlining the health effects of second-hand smoke.
- Notes for employees.
- No Smoking signs to post widely and prominently in your establishment.
- Information that you may distribute to customers.

More of these items are available through the municipality's health unit. Staff will also be able to answer any questions. Call ________________.

Sincerely,

News Release

FOR IMMEDIATE RELEASE

Bar Patrons Support Smoke-free Workplaces
Protecting workers won't hurt business, survey shows

YOUR TOWN, Canada, A.S.A.P.–Customers will continue to support local bars and restaurants once the establishments go smoke-free, a new municipal-wide survey reveals.

More than ____ percent of smokers who are regular patrons said a smoke-free environment would either make no difference to their length of stay at an establishment, or would encourage them to stay longer.

The survey, commissioned by the Breathe Easy Coalition of Your Town earlier this year, and conducted by (name of a reputable research firm), also showed that:

- ____ percent of respondents favoured a smoke-free workplace.
- ____ percent are concerned about the negative health effects of second-hand smoke.
- ____ percent said employers have a responsibility to provide a smoke-free workplace.

"This survey challenges the argument that protecting workers will hurt businesses," said ________, executive director of the Breathe Easy Coalition. "Many progressive businesses have already gone smoke-free. Isn't it time all workers had the same protection?"

More than ____ percent of the town's adult population is non-smokers. A smoke-free establishment would provide new opportunities for establishment owners to increase their business, said ____________________.

Jack Go-for-it, a pub owner in Your Town, said the survey supports his experience since voluntarily going smoke-free a year ago.

"The majority of smokers stayed or returned within two months," said Go-for-it. "We definitely won new customers who had stayed away because of the smoke."

Smoke-free by-laws significantly reduce people's risk of heart disease, lung cancer and other lung diseases. They protect non-smokers, including the most vulnerable–children, seniors and people in poor health.

They also protect workers who might otherwise be forced to inhale second-hand smoke while earning a living. Finally, smoke-free by-laws help smokers to smoke less and support those trying to quit.

Second-hand smoke accounts for more than 1,000 lung cancer and heart disease deaths in Canada each year.

About two-thirds of the smoke from a burning cigarette is not inhaled by the smoker but enters the surrounding environment. Second-hand smoke has twice as much nicotine and tar as the smoke that smokers inhale. It also has five times the carbon monoxide, which decreases the amount of oxygen in the blood.

"It's clear that smoke-free by-laws can greatly benefit the future health and welfare of entire communities," said ____________________, of the Breathe Easy Coalition.

The Breathe Easy Coalition is a partnership of the ____________________________ It advocates healthy lifestyles and smoke-free workplaces, including public places.

For more information contact:

________________, Breathe Easy Coalition
Telephone
Email

Note: Attach summary of survey results, including methodology section.

Sources:

Health Canada. *Go Smokefree! http://www.gosmokefree.ca*

Public Service Announcement

(Contact your local radio station/local newspaper and say that your coalition would like to place a public service announcement. Briefly talk about the strong support the non-smoking by-law has received. Then indicate why the municipality needs to be able to deal with resistors more effectively. Be sure to note that the announcement is ready to go and that you can get a copy of it to the appropriate person that day.)

Right now, your telephone can be one of the most effective ways you can voice your objection to second-hand smoke.

Use it, before city council votes on ____day.

Your municipality's non-smoking by-law prohibits smoking in restaurants and bars unless a completely separate, ventilated area is provided. As you know, the vast majority of establishments are successfully complying with the by-law, and they deserve your support.

Unfortunately, some establishments continue to openly defy the by-law by encouraging people to smoke in prohibited areas, and by distributing ashtrays.

On ____day, your city council has the opportunity to strengthen the by-law to better deal with this open defiance.

Second-hand smoke is much more than a nuisance. It is a major cause of lung cancer among non-smokers. It is responsible for more than 1,000 lung cancer and heart disease deaths among non-smokers in Canada each year.

According to research compiled by Health Canada, **two-thirds** of the smoke from a burning cigarette is not inhaled by the smoker, but enters the surrounding environment. Second-hand smoke has twice as much nicotine and tar as the smoke that smokers inhale. It has **five times** the carbon monoxide, which decreases the amount of oxygen in the blood.

Your city council MUST KNOW just how important this issue is to you–and to the health of this community. Call your city councillor now so you can breathe easier later. Tell your councillor you want this by-law to work.

For a complete list of councillors and phone numbers call the Coalition for a Tobacco-Free Municipality at ________________ or visit our web site at www.________________________.ca.

Please, do your part. Help clear the air.

City Councillors, By Ward	**City Hall Tel. No.**	**Home Tel. No.**
Ward 1 ______________________	______________________	______________________
Ward 2 ______________________		
Ward 3 ______________________		

This has been a public service announcement from the Coalition for a Tobacco-Free Municipality.

Sources:

Health Canada. *Go Smokefree! http://www.gosmokefree.ca*

Public Notice

(May be sent by a municipality.)

Why Regulate Smoking in Public Places?

Growing concern about the devastating health risks of second-hand smoke has prompted this council to reduce people's exposure. This town has decided to ensure that all **indoor public places** are 100 percent non-smoking, or smoke-free.

This smoke-free by-law comes into effect on __________________ . It requires that all businesses provide smoke-free environments. The by-law also sets out which signs are required and which are optional, and details what fines can be imposed for non-compliance.

Any member of the public can report a by-law infraction. An infraction would be an individual smoking in a smoke-free area, or a business that has not provided a smoke-free environment.

We wish to remind residents that:

- Second-hand smoke accounts for more than 1,000 lung cancer and heart disease deaths among non-smokers in Canada each year.
- Two-thirds of the smoke from a burning cigarette is not inhaled by the smoker but enters the surrounding environment. The contaminated air is inhaled by anyone in that area.
- Second-hand smoke has twice as much nicotine and tar as the smoke that smokers inhale. It also has five times the carbon monoxide, which decreases the amount of oxygen in our blood.
- More than ____ percent of this town's residents choose **not to smoke**.

The by-law's effectiveness will depend on the support and cooperation of smokers and non-smokers alike. Let's work together to make our town a healthier community!

Sources:

Health Canada. *Go Smokefree!* *http://www.gosmokefree.ca*

An Important Notice to Business Operators

(From a municipality.)

Amendments to our town's non-smoking by-law come into effect ______________________. The amendments cover all restaurants, licensed premises, malls and entertainment locations.

All restaurants are now restricted and must be 100 percent non-smoking or smoke-free.

All licensed premises (bars, taverns, etc.) are now restricted and must be smoke-free.

All licensed entertainment locations, such as a pool hall, must be smoke-free.

All shopping malls, bowling alleys, and bingo halls must be smoke-free.

There shall be no smoking within three (3) metres of all public entrances. Signs for public entrances are not mandatory, but owners/operators are encouraged to use signage and provide ashtrays.

Signs indicating smoke-free environments are **mandatory**. Fines can be issued by the town for non-compliance.

The sign for a smoke-free environment is a red circle with a slash over a lit cigarette graphic on a white background.

The sign for a designated smoking area is a green circle around a lit cigarette graphic on a white background.

Signs can be purchased for a nominal cost from the town.

Employees' note:

Reading the by-law and understanding why this action has been taken will help you answer customer questions and complaints. Make sure that signage is clearly posted.

Any employee has the right to refuse to work in a designated smoking area under this municipality's by-law. As well, employees are protected from unhealthy work environments by provincial occupational health and safety laws. Contact the province's department of labour for further information.

Customers' and guests' note:

A business operator is not required to enforce the by-law, but can report problems to the town's by-law enforcement office.

(Note: If the by-law indicates that the onus is on the proprietor to ensure patrons are not smoking, the proprietor may be charged if customers are seen smoking on the premises.)

Employees and customers can report problems to the owner/operator and/or call the town's by-law enforcement office.

Customers can share their views on smoke-free indoor public places by giving feedback to the business operator and/or by writing to the town.

For information:

The town's by-law enforcement office:

Telephone ________________
Fax ________________
Email ________________
Address ________________

Copies of the by-law are available at the town's customer service centre.

Signs for smoke-free environments and separate, enclosed designated smoking areas are available at nominal cost from the town's customer service centre.

For additional information about safe and healthy workplaces, you may wish to contact the province's department of labour:

Telephone ________________
Fax ________________
Email ________________
Address ________________

How the New Non-smoking By-law Applies to Businesses

(From a municipality.)

Restaurants

Under the earlier by-law, only restaurants with more than 25 seats were regulated. The amended by-law, which comes into force ____________________ , covers all restaurants.

All restaurants must provide a 100 percent non-smoking area, which means a smoke-free environment.

Licensed premises

All licensed premises, such as bars, taverns, nightclubs, discos, or private clubs that allow public use are now required to be smoke-free.

Licensed premises that also serve food must be smoke-free.

Designated smoking areas

Businesses that wish to allow smoking must provide a designated smoking area that is separate, enclosed and vented to the outside of the building.

Entertainment and leisure services

Shopping malls, bowling alleys, pool halls and bingo halls must be smoke-free.

Areas previously designated non-smoking or smoke-free by provincial or municipal fire officials are in addition to the amended by-law's requirements.

Smoking restrictions continue to apply to our town's recreation facilities. Private community sports facilities (hockey arenas, curling rinks, etc.) are encouraged to restrict smoking to designated smoking areas or to outside of the building.

Public entrances

Smoking is not allowed within three (3) meters of all public entrances (e.g. office buildings, apartment buildings, business premises, public services) and intake ducts.

Owners of private property used widely by the public (private universities, colleges, schools, clubs, etc.) are encouraged to adopt this policy.

Mandatory signage

Signs indicating smoke-free environments and designated smoking areas are mandatory. Signage is usually required at entrances. Fines will be issued by town by-law enforcement officers for non-compliance.

The sign for a smoke-free environment is a red circle with a slash through a lit cigarette graphic on a white background. The sign for a smoking area is a green circle around a lit cigarette graphic on a white background.

Signs can be purchased for a nominal cost from the town.

Optional signage

Signs for areas immediately outside public entrances are optional. Business owners/operators are encouraged to post signs informing occupants and the public that smoking is not allowed with three (3) metres of a public entrance.

Providing ashtrays and/or having a designated outdoor smoking area would be helpful. Owners/operators are not required to provide outdoor shelters, furniture or other equipment.

Fines

Individuals who smoke in a smoke-free area can be fined. Business owners/operators are not responsible for the enforcement of the by-law, but are expected to comply with the regulations.

Business owners/operators who do not comply with the amended by-law can be fined. For example, they can be fined for not providing a smoke-free environment or for improper signage. They can also be fined for allowing smoking if this is indicated in the by-law.

The fines are as follows:

- Individual summary conviction: up to $ __________ .
- Business summary conviction: up to $ __________ .
- Payment in lieu of prosecution ticket: $ __________ .

Staff training

A basic knowledge of our town's amended by-law and an understanding of why smoking is restricted in public places gives staff confidence in answering customer questions and complaints.

Include part-time, casual and seasonal workers in your training to ensure consistency. These workers are often asked to fill evening and weekend shifts when fewer supervisors or owners are on hand.

Direct staff not to be confrontational. If a polite request to respect the by-law is ignored, ensure the employee knows the usual procedure for handling this and who to call for assistance. Having a supportive employer can help in resolving potential problems.

Employee health protection

This town's non-smoking by-law protects workers. People should not have to be exposed to the hazards of second-hand smoke while earning a living. Accordingly, no employee can be required to work in a designated smoking area. Designated smoking areas must be self-serve facilities.

Additionally, the province's Workers' Compensation Board can provide information on workplace health and safety issues.

Community Flyer

Say Yes to Restricting Smoking in Public Places!
Say Yes to a Non-smoking By-law!

Support the Coalition for a Breathe Easy Municipality.

You Can Help Make it Happen!

What can you do?

- Make a presentation at an upcoming public forum or municipal council meeting.
- Write a letter to your councillor or the mayor.
- Call your councillor or the mayor.
- Write a letter to the editor in support of a non-smoking by-law.
- Contact a radio call-in show and raise the issue.
- Show your support by wearing a Breathe Easy campaign button when you attend a public meeting on the issue.

Make your opinion count!

Here are the names, telephone numbers and email addresses of the members of Your Town's council:

Ward 1 ____________________
Ward 2 ____________________
Ward 3 ____________________
Mayor ____________________

Public meetings

Public meetings will be held at Your Town's community centre on Main St. on the following dates and times:

____
____
____

Call the city clerk's office at ______________________ to register your presentation.

The Coalition for a Breathe Easy Municipality has the support of the following departments and agencies:

- Local Health Unit. (Tel. No.)
- Provincial Ministry of Health -Tobacco Control. (Tel. No.)
- The Smoke-Free Alliance of This Province. (Tel. No.)
- The Heart & Stroke Foundation. (Tel. No.)
- The Cancer Society. (Tel. No.)
- The Lung Association. (Tel. No.)

Strategy Document

Outline for Developing a Communications Plan

Step I: Who do you want to influence, inform and enlist?

- Municipal decision-makers.
- Supporters.
- Opponents.
- Voting public.
- Media (earn positive coverage; editorial support).

Step II: What do you know about them?

- Research your target audiences. Canvass municipal decision-makers; commission a public opinion poll; call and, if possible, meet with key reporters, and prominent editorial writers and commentators. You need to find out where your various audiences stand on the issue before you can develop the messages you want to convey.

Step III: What do you want them to do?

- Do you want them to:

  - Vote in favour of the issue?
  - Take a lead position on council or in the community?
  - Mobilize others in the community?
  - See your point of view?
  - Lobby councillors to vote in favour of the issue?
  - Take the issue public?
  - Endorse the issue?

- Your answers will allow you to further develop and refine your messages.

Step IV: Tactics and Tools

- Decide on your messages and tools (news releases, guest media spots, paid ads in newspapers and on radio, flyers, signage, debates, information meetings, presentations, letters, telephone campaigns, etc.).
- Develop a schedule for using your tools and estimate how often you will want to repeat your message.

Step V: Measurement

- Have you been successful? Keep canvassing your council members. Have your messages been effective?
- What are your supporters telling you?
- What are opponents saying?
- If your messages aren't getting through, you may need to consider a different approach. Don't ignore bad news.

Frequently Asked Questions about Smoke-Free By-laws for the Public and Business Owners/Managers

Q. Do municipal non-smoking by-laws take away people's right to smoke?

A. No. They support the right of the majority to breathe smoke-free air. Municipal smoking by-laws don't cover private homes, offices or privately owned vehicles. They do cover a growing number of indoor environments. Increasingly, Canadian municipalities are regulating smoking in public places because smoking endangers the health of everyone.

Q. Why not let businesses self-regulate?

A. Governments have an obligation to protect public health and to take steps to eliminate health risks. Voluntary measures are not used to control other issues, such as fire safety, toxic wastes, sanitation, asbestos or radioactive exposure. Experience and research have shown that both public education and legislation are required to protect the public health. Second-hand smoke is not a nuisance. It is a health hazard. Regulating smoking restrictions also ensures businesses operate on a level playing field.

Q. Won't non-smoking by-laws drive hospitality and entertainment establishments out of business?

A. Objective research has shown that short-term fluctuations in hospitality establishment sales are common immediately after new regulations take effect. Patrons generally need some time to adjust. Nonetheless, there is no evidence of any long-term negative impact on restaurants, bars, hotels, entertainment venues, or the tourism sector. Indeed non-smokers may patronize eating and drinking establishments more often and, eventually, smokers do adjust to the new rules. As well, money not spent on smoking may be used to buy other products and services, which can stimulate the local economy.

Q. Why are municipalities enacting non-smoking by-laws?

A. Municipalities are responsible for local public health issues. In most provinces, they also have the jurisdictional authority to act in this area.

Q. Why prohibit smoking at all? Can't you just blow tobacco smoke away?

A. Ventilation systems can clear some tobacco smoke from the air. But they can't make the air clean enough to meet air quality standards. The American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE) sets standards for ventilation. The standards are recognized in North America and many other parts of the world. ASHRAE maintains that there is no acceptable ventilation for second-hand smoke.

Q. We all know smoking is unhealthy, so why do we need municipal by-laws?

A. Municipal non-smoking by-laws protect children, pregnant women, workers, people with heart and lung problems, and indeed every person who chooses not to use tobacco. Most Canadians don't smoke and don't want to. On matters of public health, people's choices are sometimes restricted for the greater good.

Q. Can you suggest anything that businesses could do to ease the transition to becoming smoke-free?

A.
- Start informing your employees and customers of the coming change.
- Train employees about the by-laws, including what to say to patrons or fellow employees who are smoking. For example: *"I'm sorry, but you are not allowed to smoke inside this restaurant. Would you please put out the cigarette or go outside with it?"*
- Circulate and distribute materials about smoke-free by-laws (e.g. posters and table top tent cards distributed).
- Install a cigarette butt receptacle outside your establishment.
- Encourage our staff and patrons to be compliant with the new by-laws.

Q. Are business owners and their staff expected to support the enforcement of the new by-laws and what happens if they don't?

A.
- Business owners and their staff do have a role in supporting the implantation of the new by-laws.
- You are expected to post the required No-smoking signs.
- Remove all ashtrays and request that patrons and employees not smoke inside the building.
- If a member of the public refuses to comply after you have done the above, you must contact XXX-XXXX (enforcement agency). It is then the municipality's responsibility to enforce, although a tobacco enforcement officer will unlikely be able to respond immediately to lay a charge for smoking.

- Enforcement will not be directed at owners, if the above conditions are met. However, in cases where it is clear that the proprietor is not making a sincere effort to prohibit smoking by patrons, the owners and/or staff can be charged.

Q. How can my establishment deal with patrons who refuse to comply with the by-law?

A. In the case of the hospitality industry in particular, despite an owner's best efforts, some patrons may continue to smoke or refuse to go outside. The following are some techniques you may wish to use to encourage compliance with the by-law:

- Show concern while speaking directly to the patron. Respect personal space.
- Explain that the by-law prohibits smoking inside.
- Politely and calmly request the person to extinguish the cigarette or go outside to smoke.
- If the patron refuses, call XXX-XXXX and ask that an enforcement officer respond and enforce the by-law, although an enforcement officer will not likely be able to respond immediately to lay a charge for smoking.
- If the patron refuses to comply after you have done the above, use your usual procedures to deal with a non-complying customer, which may include asking the patron to leave or discontinuing service.
- If the customer becomes disruptive you may need to call the general police number and ask for police assistance to remove the customer.
- If the situation escalates and there is a threat of bodily harm your usual procedure of calling 9-1-1 or the emergency police number should be followed. It is the experience of other cities with similar by-iaws that the patron will most often leave before any by-law or police intervention is needed.

Sources:

Colman, R. (2001). *The Economic Impact of Smoke-Free Workplaces: An Assessment for Nova Scotia.* GPI Atlantic.

Workers' Compensation Board of British Columbia (2001). *The Economic Impacts of the Proposed Amendment to the ETS Regulation.* Pacific Analytics Inc.

Physicians for a Smoke-Free Canada (2001). *Questions and Answers on Ventilation of Second-Hand Smoke–fact sheet.*

City of Ottawa (2001). *Questions and Answers for Businesses About Smoke-Free By-laws in the City of Ottawa.*

7 Steps to Successfully Implement Our New Smoke-Free By-law*

(From a municipality.)

1. Post "NO SMOKING" signs at all entrances and in all public washrooms by {date} as required by the by-law.
2. Have information available on the hazards of second-hand smoke for your customers and employees.
3. Make sure all employees are aware of the by-law and know what to say to customers who are smoking indoors.
4. Remove all ashtrays and cigarette receptacles by {date}.
5. Call XXX-XXXX for more information or help to enforce the by-law.
6. Focus on the smoking behaviour, not the smoker. Designate and prepare specific outdoor smoking sites. Provide containers for discarded cigarettes.
7. Order more signs or suggest that customers who have concerns or questions call XXX-XXXX

Your support for the policy will ensure that the public has a positive smoke-free experience in your establishment. Everyone has a role to play in creating a smooth transition!

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* Adapted from: City of Ottawa (2001). *7 Steps to Successfully Implement Ottawa's Smoke-Free By-laws.*

(A) Population survey

The purposes of a survey within your population are to evaluate awareness of the dangers of second-hand smoke, awareness of the impact of smoke-free regulations, and level of exposure to second-hand smoke. The higher the awareness of these factors, the more public support for smoke-free regulations is likely. A survey can also be used to monitor this public support, which will ultimately influence local politicians. Depending on the unique issues in your community, you may also wish to collect smoking prevalence data. However, the National Population Health Survey (NPHS) and the Canadian Tobacco Use Monitoring Survey (CTUMS) provide data already on smoking rates at the provincial level. Many provinces as well have existing data on smoking prevalence and public opinion–check your provincial government health sites. If you do end up creating your own survey, many standardized, pre-tested questions exist. Consider including the following topics in your survey:

- Background information: age, gender, language spoken at home, occupation (avoid questions regarding income if possible, as people are easily offended by them and then may not complete the survey questions you really need answered).
- Smoking behaviour (e.g. smoker/non smoker, amount smoked, previous quit attempts).
- Exposure to second-hand smoke (e.g. public places, workplaces, home, car).
- Awareness of dangers of second-hand smoke.
- Awareness of current smoke-free regulations debate (depending on which phase you are in) and individual action taken, if any.
- Support for 100 percent smoke-free regulations and why or why not?

Randomized telephone surveys are the most common and feasible format for population surveys. Where financially possible, it is advisable to hire an independent survey research firm with qualified evaluators to conduct the survey. This will help to enhance the credibility of your results in the eyes of the public. It will also free your time up to be involved in the important community work of your smoke-free public places campaign.

The following is a list of locations where data exists and standardized questions can be located. In addition a sample survey is provided below.

- Canadian Evaluation Society. *http://www.evaluationcanada.ca*
- Health Canada (2002). Canadian Tobacco Use Monitoring Survey (CTUMS). *http://www.gosmokefree.ca/ctums*
- Health Canada (1999). National Population Health Survey Highlights: Smoking Behaviour of Canadians in *http://www.hc-sc.gc.ca/pphb-dgspsp/ccdpc-cpcmc/cancer/publications/nphs-sboc/tabls_e.html*
- Opinion Search Inc. (2000, 2001) "Smoke-free Ottawa" Survey. City of Ottawa Public Health and Long Term Care *http://www.smokefreeottawa.com/english/survey-e4.htm*

- Rapid Risk Factor Surveillance System (RRFSS). Institute for Social Research at York University. *http://www.cehip.org/rrfss/rrfss.htm*
- Statistics Canada (1996 Census) Community Profiles. *http://www12.statcan.ca/english/profil01/PlaceSearchForm1.cfm*
- Statistics Canada The Canadian Community Health Survey (CCHS). *http://www.statcan.ca/english/concepts/health/content.htm*
- Many universities also offer survey services at a reasonable price.

Sample Questionnaire:

(e.g. randomized telephone survey for adults 19 years and older)*

1. Record gender
2. Record language of interview
3. During [time period], have you heard or read anything about [name of campaign] for smoke-free public places?
4. Where did you hear or read about [name]? - list possible locations
5. What would you say is the most important issue of the [name] campaign?
6. Did you take any actions because of the [name] campaign?
7. At the present time do you smoke? (daily, occasionally, not at all)
8. Do you allow smoking in your home?
9. Do you allow smoking in your car?
10. Do you agree or disagree with the following statements? (use Likard scale)
    a. Children are more likely to start smoking if their parents smoke.

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* Adapted from: Opinion Search (2000, 2001). *"Smoke-free Ottawa" Survey: Appendix A.* City of Ottawa Public Health and Long Term Care.

b. People are too concerned about the effect of second-hand smoke on their health.
c. Children who are exposed to second-hand smoke are more likely to suffer ill health and developmental problems than children who are not exposed to it.
d. Pregnant women and others living with them should not smoke in the home during pregnancy.
e. Non-smokers should be provided with a smoke-free environment at work.
f. Second-hand smoke can cause lung cancer in a non-smoker.
g. Second-hand smoke can cause heart disease or heart problems in a non-smoker.
h. Second-hand smoke can cause a stroke in a non-smoker.
i. Second-hand smoke can cause bronchitis, emphysema or asthma in a non-smoker.

11. Do you ever feel unpleasant effects from second-hand smoke?

12. Do you believe that second-hand smoke can cause health problems in a non-smokers?

13. Do you believe that smoking cigarettes can cause health problems in a smoker?

14. Tell me whether you strongly support, somewhat support, somewhat oppose or strongly oppose a by-law which would make the place below 100% smoke-free? (Include some, all or others depending on your local situation.)

a. Any type of restaurant or café.
b. Neighbourhood pub.
c. Food court in a shopping mall.
d. A bar or lounge that primarily serves drinks.
e. Bowling alley.
f. Bingo hall.
g. Casino.
h. Pool hall.
i. Arena or recreation centre.
j. Lobbies and other common areas of apartment buildings, hotels and motels.
k. Unlicensed day care.
l. Reception areas and waiting rooms of establishments open to the public.
m. Office environment or workplace not open to the public.
n. Legion hall.
o. Taxis.

15. Suppose a local by-law was passed that made all public places 100% smoke-free, would you frequent the following places more often, less often, or would it make no difference?

a. Any type of restaurant or café.
b. Neighbourhood pub.
c. Food court in a shopping mall.

d. A bar or lounge that primarily serves drinks.
e. Bowling alley.
f. Bingo Hall.
g. Casino.
h. Pool Hall.
i. Arena or recreation centre.
j. Legion hall.
k. Taxis.

16. Would you be in favour or opposed to a local by-law for [city/province] that would make all enclosed public places 100% smoke-free? (Offer scale of strongly in favour to strongly opposed.)

17. Why are you [in favour/opposed] to such a by-law?

18. Background data:
a. Year born.
b. Marital status.
c. Highest level completed in school.
d. Employment status.
e. Language spoken most often at home.
f. Number of children under the age of 19 living in household.
g. Postal code.

(B) Web site survey

A web site survey is a useful way to monitor ongoing public opinion, although it cannot be considered a valid representation of your population, as only people who have access to the web and who use it are included in the sample. The web can also be used to conduct short-term polls to judge public response to a current debate. If your campaign has an established web site then advertising can be used to encourage the public to visit often and register their opinion on different issues. Otherwise a specific campaign will need to be conducted to inform the public of the location of your web site. In addition, daily newspapers or radio stations may be willing to partner with you to conduct a web site poll on their site. They may also do this without partnering but it is better to discuss this in advance with them if you would like access to detailed results.

To conduct your own web site poll, it can be as simple as asking people to register their support for smoke-free public places (*e.g. If you support 100 percent smoke-free public places in our community click here*). Be sure to ask your web site designer to build in some ability to prevent people from repeatedly voting at one time (i.e. allow only one vote per person). As well, you will want the system to automatically record the number of responses so you will have an ongoing tally. You may also use this opportunity to invite people to assist in the campaign and offer a list of things they can do (e.g. write to their local councillor, write to the newspaper, attend a meeting, assist in distributing material, giving you their name and number, if they are willing to be contacted).

More sophisticated surveys can be conducted on the Internet by using questionnaires such as the population survey sample in A.

(C) Newspaper contest

Local newspapers can be an effective route for collecting information on public opinion. A cut out survey with a contest component will encourage participation (e.g. *Fill this out, fax or email back your response and you will be eligible for a prize (smoke-free t-shirts, hats or restaurant gift certificates)*. You can also ask for permission on the form to contact them in the future. This allows you to send them information (for example a fact sheet on second-hand smoke) and also contact them if they are supportive when you need help in a telephone campaign, for instance. Again it should be noted however that information collected cannot be considered a valid representation of your population, as only people who have access to the newspaper and who respond to the contest will be included in the sample.

Sample Newspaper Contest:

What do you think about Second-Hand Smoke?

Please take a few moments to complete this brief questionnaire. Discuss it with friends and family. Your opinion is important to us!

Do you avoid going to the following places because of second-hand smoke?

1 - 2 - 3 - 4	Restaurants	1 - 2 - 3 - 4	Bingo Halls
1 - 2 - 3 - 4	Arenas/Community Centres	1 - 2 - 3 - 4	Bowling Alleys
1 - 2 - 3 - 4	Bars/Pubs	1 - 2 - 3 - 4	Other Sports Facilities
1 - 2 - 3 - 4	Billiard Rooms	1 - 2 - 3 - 4	Other (please specify)

1 - Yes, 2 - No, 3 - Sometimes, 4 - Not applicable

Do you have any other concerns or comments?

____

____

Name: ____________________ Address: ____________________ Phone No. ____________________

Please mail, fax, email. back to....

Thank you.

If you send this back by date you will be entered in a draw for...
Your name will not be used again.
Questions? Call....

(D) Session evaluations

When conducting public information sessions or presentations, it is helpful to conduct surveys for feedback on your presentation and assess its effectiveness. You may also wish to conduct a pre-questionnaire to assess actual learning from your presentation. This is particularly important during the early stages of your campaign when it isn't clear if the public are really aware of the dangers of second-hand smoke. In addition the feedback form will allow you a further opportunity to recruit campaign supporter volunteers. The questionnaire will need to be designed specifically for your presentation and handouts you provide. Below is a sample feed back form with questions you may consider including in your evaluation.

Sample Smoke-Free Session Evaluation:

Please comment on your satisfaction with this presentation-Thank you!

1. In your opinion, was the purpose of the session group met? ☐ Yes ☐ No
2. What parts of the session worked well?

____

____

____

3. As a result of this session would you sav your knowledge about [subject: i.e. second-hand smoke, smoke-free public places, public health, smoking and health] has increased...

1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10

Not at all Very much

4. Please rate the handouts you received (i.e. for each)...

a. appealing format and graphics
b. interesting content
c. writing clear and easy to understand

1 - 2 - 3 - 4 - 5 - 6 - 7 - 8 - 9 - 10

Not at all Very much

5. How would you rate the presenter/facilitator?

- ☐ Unsatisfactory
- ☐ Below average
- ☐ Average
- ☐ Above average
- ☐ Excellent

6. Overall, how would you rate the focus group session?

- ☐ Unsatisfactory
- ☐ Below average
- ☐ Average
- ☐ Above average
- ☐ Excellent

7. I am willing to be contacted in the future to assist with promoting the smoke-free campaign.
If yes, provide name and contact information.

Other comments?

(E) Partner interviews

Individual interviews with existing or potential partners will assist in determining commitment to and support for the campaign and also to assess how well the relationship is functioning. Remember to include partners early on in the project and attempt to bring in as large and as diverse a network of individuals and organizations as possible. Similar questions can also be used when interviewing local politicians. Topics for discussion include:

- **Support for the issue:** How supportive are they personally to the campaign? How supportive is their organization? Does the goal of smoke-free public places complement their organization's goals? Can your contact with the organization make decisions on behalf of the organization or do they need to pass decision through a superior or a committee/board?
- **Benefits:** What are the perceived benefits from partnering in this campaign? What are the perceived drawbacks? What does your organization need from the partnership (e.g. profile, resources, thank-you's)?
- **Role and structure:** What specific role could this organization play or contribute to the campaign? What resources are available (direct (money), in-kind (meeting space, staff time) or other)? Does this organization wish to collaborate, assist with coordinating or simply cooperate?
- **Relationship functioning:** As you progress in the relationship, questions need to be asked about how the relationship is functioning (e.g. is the organization gaining intended benefits, are the members getting along and supporting each other)? Are there any communication problems, ownership issues or other concerns?

After an initial discussion it is prudent to follow-up with a letter of understanding about the agreed upon commitments.

Sample Letter of Understanding:

Dear ____________________ :

RE: LETTER OF UNDERSTANDING

We are writing to confirm your active participation in the campaign in the weeks or months to come until a new by-law is implemented to protect the citizens of our community from second-hand smoke. We are endorsing the recommendations put forth by ________________ for a strong no-smoking by-law in the ________________ . These recommendations include the following:

- List or attached specific recommendations or position.

For the purposes of this initiative, ________________ has agreed to coordinate the advocacy campaign that will help build community support for a strong harmonized no-smoking by-law. ________________ has agreed to provide the logistical and technical support to the advocacy campaign to ensure that we have the resources necessary to promote a smoke-free community. ________________ is coordinating the public consultation sessions and the media awareness campaign. Once the by-law is passed, ________________ is committed to coordinating the business education and enforcement components.

In order to coordinate our work and eliminate duplication of effort, we have put in place a communication mechanism whereby one person will be responsible to liaise with your organization and keep you informed of decisions and supplied with the necessary campaign material.

The components of the campaign for which we'll need your help are letter writing/phone/email campaign, visits to councillors, public presentations and media responses (written and oral). If the need arises, we may also place a strongly worded advocacy ad, to which all partners would be asked to consider adding their names. As you are aware, the process for activities such as advocacy ads often has to be done at the eleventh hour. Organizations signing on therefore should have a fast-track decision-making process in place in order to participate.

Specifically, we are asking for your active support on the following:

- Mobilizing members of respective agencies, coalitions and networks, on advocacy strategies which are agreed upon at the Coordinating Committee (e.g. letter writing, phone calls).
- Acting as a distribution network for campaign materials such as postcards and buttons.

- Having your organization's name appear on advocacy ads (This would be based on a specific, time-sensitive request and you would have the opportunity to review the text before giving your approval. This is where a fast-track decision-making process will be needed.).
- Being identified as a member of the campaign alliance (e.g. on web site, campaign material).
- Promoting the smoke-free campaign through existing program initiatives and/or events.

By signing this letter, your organization is agreeing to become involved in the above activities. The liaison person assigned to your organization will follow up with more details as they become available.

We look forward to working together to make a smoke-free community!

Sincerely,

Your signature below signifies your support for the above letter.

Signature	Date
Name (please print)	Organization

Comments:

(F) Stakeholder focus group questions

Stakeholder focus groups should be held with key stakeholder groups that will be affected by a smoke-free regulation in your community. Many stakeholders have existing organizations with which you could meet, (e.g. a restaurant association, a local community association, or bingo charities). In addition you may want to meet with some key players individually. The purpose of the focus group is not to convince them of your position but to inform them and invite comment and feed back. It would also be helpful to receive written confirmation from the organizations stating their formal position and areas they would agree to work on together. Remember to include supportive stakeholders in your focus groups as well. Records from these meetings or position letters may need to be public during the debate so ensure permission is granted to do this.

(G) Telephone/Contact records

Maintaining a record of all contacts about the smoke-free regulations will be helpful for several reasons, such as:

- Tallying supporters vs. non-supporters when discussing with politicians. (i.e. assuming the number of supporters is greater or is growing).
- Compiling a list of possible volunteers to help when needed.

A simple tally sheet such as the one below is all that is needed. However, a more sophisticated database could be set up which would allow you to easily create mailing labels, etc. for the advocacy campaign. If this is being done, consider also creating a field for postal codes or municipal ward (whatever makes sense in your community) so that mail-outs can be directed, when needed, to the areas of most concern.

Ensure everyone answering the phone or in contact with the public via email or public sessions records the results on the same form. Tally on a weekly or monthly basis depending on numbers.

Sample Tally Sheet:

Date	Type of contact i.e. telephone (tc), email (e), personal (p)	Name/ Contact Information	Verbal consent to be contacted	Support smoke-free regulations		Follow-up required and by when (describe)	Initial
				Yes	No		

(H) Postcards

Postcards are an effective way to encourage public participation in demonstrating support for a smoke-free community. They can be put into local newspapers to be cut out and sent or made available at community events or schools. The postcard should be addressed to the politician or local council members who you think should receive the cards. Alternatively you may wish to collect the cards yourself and tally the result so you can present it to your local government council. Think about what strategy would work best in your community. Some communities have also used the cards to increase public awareness about second-hand smoke by including a few facts and tips.

Sample (on hard copy only) can be found at *http://smokefreeottawa.com/pdf/postcard.pdf*

(I) Team functioning questions

An effective team or work group is critical to the success of your campaign. It is important to regularly check in with the team to review roles and responsibilities and evaluate functioning and effectiveness. The workload for smoke-free campaigns can be quite demanding and will change quickly. The members of your campaign team may also change during the phases of the project. Here is a list of issues you should consider addressing with your team as a group or individually:

- **Purpose:** Are the goals and purpose clear? Are people clear about roles and tasks?
- **Communication:** Do team members communicate easily? Is open communication encouraged? Do team members listen without passing judgement and acknowledge others contributions?
- **Problem Solving:** Do team members feel able to freely express their opinions even when not agreeing with others? Are there mechanisms for problem solving or conflict resolution?
- **Participation:** Do team members participate and feel part of the team even if their roles may not be "equal?" Do they offer help without being asked? Are they willing to share responsibility as well as the limelight? Are functions taken on among members depending on their skills and the group's needs?
- **Decision Making:** Is the team able to reach consensus (i.e. not a majority decision but an agreement that everyone can "live with")?

(J) Commitment letter

A commitment letter from businesses and organizations supporting the campaign can be used to demonstrate support. Tallying the number of organizations in support is a useful number to share with your local councillors.

Sample Endorsement Letter* :

Because second-hand smoke is a health hazard to all citizens of ______________________ , including children, workers, pregnant women and seniors;

Because most ______________________ residents want and deserve 100% smoke-free workplaces and public places;

And because ______________________ is lagging behind other cities in Canada that have already prohibited smoking in workplaces and public places;

The ______________________ joins other organizations in giving full support to the recommendations of the Medical Officer of Health for smoke-free workplaces and public places such as restaurants, bars, bowling alleys and bingo halls.

We urge the City Council to adopt the recommendations and implement a 100% smoke-free by-law by date.

(enter name, title and organization below)

____

____

____

---

* Adapted from: The "Smoke-Free Ottawa" campaign.

(K) Media monitoring

It is important to monitor media coverage as to how balanced the coverage is in supporting smoke-free regulations and also to ensure misinformation is corrected. The easiest method of doing this is to start a scrapbook and paste in every article, positive or negative. On a daily/weekly basis (depending on the stage of your campaign) evaluate the balance and make decisions on what steps need to be taken in terms of advocacy (e.g. letters to editor, news conferences, staged events). If you have several media sources assign a staff person or volunteer to be responsible for collecting information from each media outlet (i.e. one to the daily newspaper, one to each weekly newspaper, one to each radio station). For larger regions consider hiring a media clipping service.

(L) Adapted population survey

Once legislation has been passed, you will want to continue to monitor support for smoke-free public places and also monitor awareness about the new by-law. Consider repeating most of the questions from the population survey in (A) and adding these additional questions depending on the timing of your survey.

Sample Additional Questions* :

1. This community (name) has or will introduce smoke-free legislation on (date). Are you aware of this new regulation?
2. If yes, can you tell me which locations smoking will not be permitted?
3. Do you strongly support, generally support, generally oppose or strongly oppose this legislation?
4. Compared to (date before by-law for example) would you say that you currently visit restaurants or bars in (city) more often, less often or about the same amount as before?
5. What are the main reasons that you are visiting restaurants or bars (more or less often) now than before?

* Adapted from: Decima Research Inc. (2001). *Quarterly Report on the National Capital Region.*

(M) On-site survey

As part of the business and public places education campaign before new smoke-free legislation is enacted, you will want to ensure that all public establishments are aware of the new legislation and have the necessary signage and information for their patrons and employees. Depending on your public education strategy, you may be delivering information and resources about the new legislation through the mail or through one-on-one visits by staff. A few questions asked at the time of a visit will assist you in gauging support for the new legislation and assessing whether your materials are adequate. This data can be collected separately or as part of the enforcement records (see below).

Sample Questions:

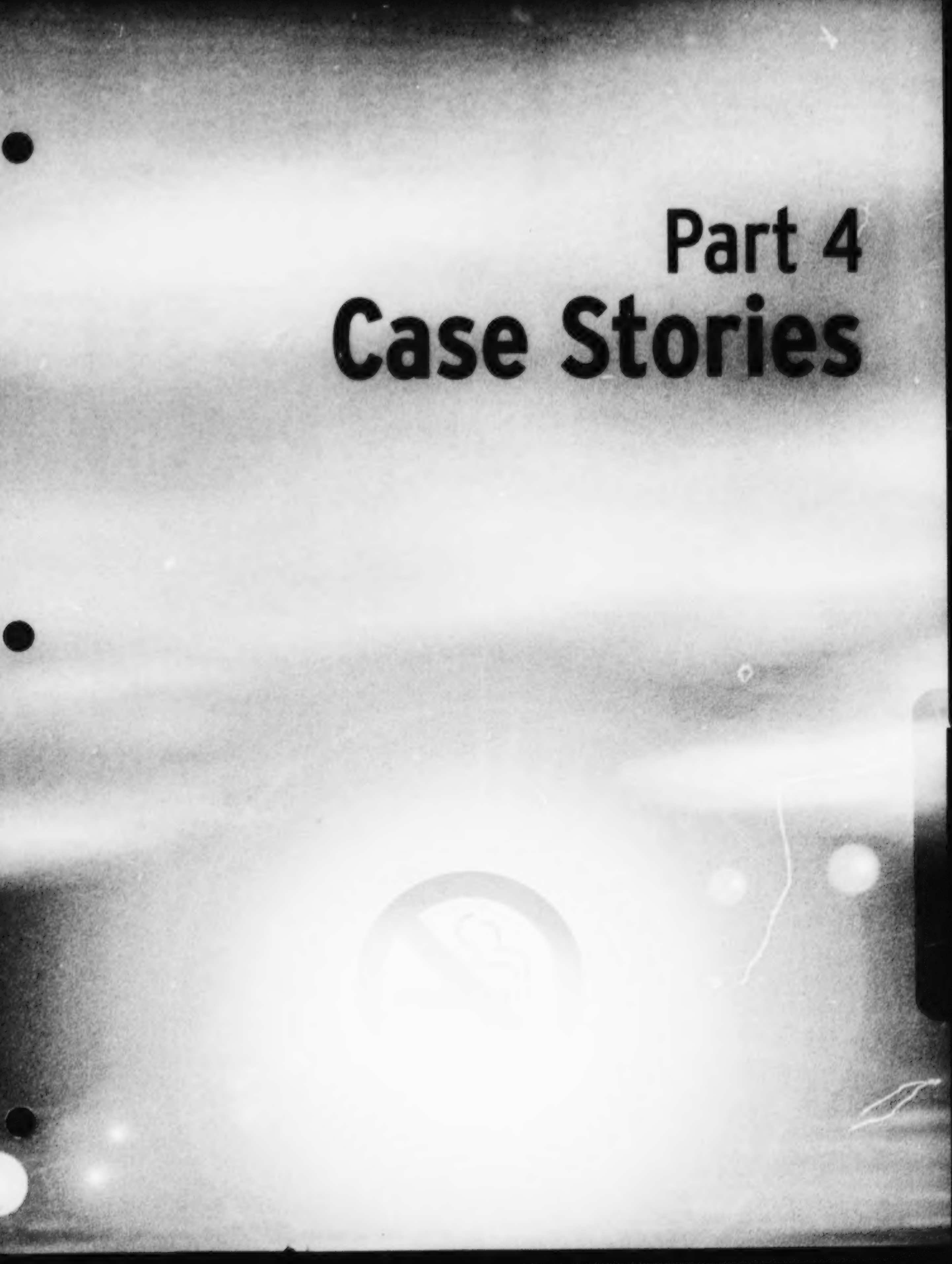
1. This community (name) will introduce new smoke-free legislation in (name locations) on (date). Are you aware that this new regulation applies to your establishment?
2. Do you strongly support, generally support, generally oppose or strongly oppose this legislation?
3. What additional information/resources/tools do you need to educate your employees/patrons?
4. What additional services/programs could our community provide to assist you with this transition?

(N) Enforcement visit records

All visits to public places about the new smoke-free legislation should be recorded, whether they are made by official enforcement officers or not. In addition, mailing address lists to which information about the new legislation has been sent and all records of telephone contacts should be kept. These records may be important in future court cases if establishments claim they were unaware of the legislation. Enforcement officers will likely already have forms they use to record their interactions with the public. In addition, consider creating a checklist that is dated and signed for them when information is distributed. As well, include any comments received by the establishment, positive and negative.

Sample Record should include:

- Establishment name, address, phone, fax number and business number. (if applicable in your community)
- Signature of person receiving information and date.
- Signature of person delivering information and date.
- Comments or questions from establishment.



Part 4
Case Stories

Part 4: Case Stories

The Province of Quebec

Background

At the time of writing this document, Quebec is the only province that has enacted comprehensive provincial legislation prohibiting smoking in public places (See the Gatineau case study). While the Act, called the *Loi sur le tabac*, has created a level business field for communities across the province, it has also effectively taken the issue away from municipalities. Municipalities are reluctant to challenge the provincial legislation because of the time and cost that it would involve.

Barriers

The most significant barrier for communities is the unresolved jurisdictional issue between the province and municipalities. Under Quebec legislation, enforcement is a provincial responsibility (although municipalities *can* take over the enforcement of the Act) and a shortage of provincial enforcement officers has been a problem. As well, many municipalities in Quebec have recently merged and any municipal moves to pass by-laws that would expand upon provincial smoking restrictions have been sidelined. For many communities, it's back to square one. Municipal by-law proponents are re-grouping, re-educating the civic officials, and conducting new public opinion research that covers expanded territories.

In Quebec, pro-health groups are working to have provincial smoking restrictions phased in earlier. For example, under the province's legislation, bars have until 2009 to bring in separate, ventilated smoking rooms. Pro-health advocates also want the province to amend its legislation to enable municipalities to pass by-laws that would exceed provincial restrictions.

Funding

Pro-health groups in Quebec rely on multiple sources of funding, including the federal and provincial governments, and non-government sources. What is different, however, is that local health authorities in Quebec receive provincial funding to enforce the provincial legislation and educate the public about the legislation.

Cultural values

It has been suggested that Francophone society often doesn't hold the same views around smoking in public as do people in many other parts of Canada. As one interviewee explained:

> *"Francophone society has a different perception of smoking, similar to the 'Latin' influence which yields a more permissive society."*

This may be a reason why Quebec is proceeding with smoking restrictions at a relatively slow pace. However, a recent experience in Gatineau's Hull sector may dispel this. After the introduction of smoke-free by-laws in the City of Ottawa, the Casino du Lac Leamy announced an immediate ban on smoking at most of its tables and slot machines. The decision was said to have been made in response to customer demand.

Gatineau, Quebec

Community: As of January 2002, Gatineau includes the former municipalities of Hull, Gatineau, Aylmer, Masson-Angers and Buckingham.

Population: 225,345 (after amalgamation), 38 percent rural; 63 percent bilingual (French and English).

Date of implementation: The smoking by-law in the former City of Hull was superseded by Quebec's Law on Tobacco in December 1999.

By-law highlights: In Quebec, municipalities do not have the power to implement by-laws restricting smoking in public places.

Overview of Quebec's non-smoking law

The Quebec provincial *Loi sur le tabac* prohibits smoking in workplaces (excluding homes) and in most enclosed public areas. Establishments may have ventilated smoking areas or, in certain cases, designate areas as 'smoking only.'

Places where smoking is prohibited and where operators may NOT build or designate smoking areas are: day care centres, primary and secondary schools, community and recreation centres that cater to youth, and other facilities that also cater to youth.

Places where smoking is prohibited, but where operators may provide separately ventilated smoking areas are: facilities that do not cater to youth, facilities with 50 or more employees (must have met this requirement by June 2001), and facilities with less than 50 employees (must have met this requirement by December 2003).

Where operators may designate separate smoking areas, smoking areas cannot exceed 40 percent of total customer space. Such places include restaurants, hotels, motels, bus/train/ maritime stations, shopping malls, bingo halls and pool halls. In establishments that host sporting, cultural, artistic, amusement or other such events, smoking–if permitted–must be restricted to no more than 40 percent of waiting, resting and service areas.

In restaurants with more than 35 seats (and that are designated as tourist establishments), smoking areas must represent no more than 40 percent of the customer space, and must be separate and ventilated to the building's exterior. As of December 2001, all newly opened restaurants or restaurants that do extensive renovations must have separately ventilated smoking areas if they wish to allow smoking. In all other cases, restaurants that wish to permit smoking must provide a separately ventilated smoking area by December 2009.

Bars, state-run casinos and licensed bingo halls are not required to restrict smoking, except in their restaurant areas.

Smoking in taxis and other work vehicles is governed by employers, and is permitted only if the driver and all passengers provide their consent.

Background

"Gatineau, ville en santé" is the new incarnation of the former "Hull, ville en santé," which was made up of community leaders and representatives, including businesses, and the city. It is part of the community network "Réseau québécois de villes et villages en santé"–a concept borrowed in the early 1990s from the U.S. Healthy Cities program. The Ministère de la santé et des services sociaux (MSSS) sponsors the network.

"Gatineau, ville en santé" held its first meeting in February 2002, but community representatives at the meeting were holdovers from the former "Hull, ville en santé" and will have to be officially re-appointed to the commission.

Like its predecessor, "Gatineau, ville en santé" will look at many community challenges, including tobacco use.

The former City of Hull passed a by-law in 1996 that restricted smoking in some public facilities and work places. This was done following a public opinion poll and consultation with businesses in early 1996. The regional public health office and "Hull, ville en santé" sponsored the initiative.

The provincial law on tobacco (1999) and new federal laws went beyond the provisions of the Hull by-law in restricting smoking in certain establishments and workplaces.

In September 2001, Hull city council gave "Hull, ville en santé" a mandate to conduct public opinion research on the feasibility of a non-smoking by-law. The resolution asked that a copy of the resolution be sent to the other four municipalities that would eventually form the new city to ask for their support. The resolution notes that municipalities must *apply to the province* if they wish to pass laws on this issue.

Members of "Hull, ville en santé," and counterparts in the cities that were eventually united, tried to organize public consultation (public opinion surveying and stakeholder focus groups) for November 2001 over the entire area of the future amalgamated City of Gatineau. They had free research support from a local post-secondary educational institution, but still required $7,000. In the summer of 2001, representatives from the local Direction de la santé publique met with Health

Canada regarding this funding, and said they would also be asking the province for financial support. Health Canada indicated that they should approach the province first.

Organizers were eventually told by municipal officials to wait until after the amalgamation to conduct the research.

At its first meeting in February 2002, "Gatineau, ville en santé" renewed its commitment to public consultation. It is at the very early stages of developing an action plan to submit to city council.

Apparently, some retail businesses have started to organize opposition to further smoking restrictions, but this, too, seems to be at the early stages.

"Gatineau, ville en santé" officials said they have heard that an amendment that addresses the ability of municipalities to enact non-smoking by-laws *that go beyond the province's smoking restrictions* may have been approved.

Public opinion research and community consultations are still required, and may be enough to convince councillors to act. Widespread consultation and community awareness may also help to raise business and public support.

(Sources: Luc Montreuil, councillor, City of Gatineau, chair, "Gatineau, ville en santé" Commission (former Mayor of Masson-Angers–one of the amalgamated cities); Agathe Lalande, Coordinator, "Gatineau, Ville en santé" Commission, City of Gatineau)

Regina, Saskatchewan

Population: 187,500, urban.

By-law highlights: In 1980, Regina became the first city in Western Canada to pass a non-smoking by-law. The by-law protected residents from second-hand smoke in some public places. The by-law was strengthened in 1993 and in 2000, after public and stakeholder consultation. The current by-law provides for a smoke-free environment in areas such as buses, child-care facilities, city facilities, common areas, educational institutes, hospitals, libraries and galleries, office buildings, retail stores, theatres and arenas. It also restricts smoking to varying degrees, and allows designated smoking areas in airports, bars, lounges, bingo halls, bowling alleys, care facilities, casinos, curling rinks, malls, race tracks and restaurants.

Dates implemented: 1980, 1993, and 2000.

Background

In 1980, a small group of Regina residents approached city council to request passage of a by-law to protect citizens from the dangers of second-hand smoke. The group's initiative led to the passage of the first non-smoking by-law in Western Canada. The 1980 by-law was very much a citizen-driven exercise.

The 1993 by-law followed extensive public consultation and stemmed from a Regina health department report that urged council to review and update the 1980 by-law.

The 2000 by-law resulted from the efforts of the Medical Officer of Health to work with the City of Regina to review and update the 1993 by-law. There was extensive public and stakeholder consultation and a strong reliance on public opinion surveys.

Currently, Regina's smoking by-law provides for a smoke-free environment in areas such as buses, child-care facilities, city facilities, common areas, educational institutes, hospitals, libraries and galleries, office buildings, retail stores, theatres and arenas. It also restricts smoking, to varying degrees and provides for designated smoking areas in airports, bars, lounges, bingo halls, bowling alleys, care facilities, casinos, curling rinks, malls, race tracks and restaurants.

Consultation process

There was a great deal of public consultation before the implementation of the 1993 by-law. Both the public and stakeholders were consulted. Letters requesting comments on a draft by-law were sent to businesses and other stakeholders. Public input was received through meetings, letters and telephone calls. The 2000 by-law process made use of opinion survey findings that revealed extensive support for smoking restrictions in public places. However, there were strong concerns expressed by the hospitality industry, including the western arm of the Canadian Restaurant and Food Services Association and the Saskatchewan and Regina hotel associations. These associations claimed that a new by-law would bring economic harm to Regina businesses. As a result, Regina city council did not pass the by-law and instead referred it back to the Regina Health District for further consultation.

The Regina Health District consulted with individuals in others part of the country who had been involved in developing or lobbying for by-laws. As well, the Health District assessed and analyzed the claims of economic harm made by the western arm of the Canadian Restaurant and Foodservices Association (CRFA) and found the assertions to be without merit. The Health District also received a critique of the CFRA report from the Vancouver/Richmond Health Board that found the CFRA report to contain significant misinformation. Both of these critiques were forward to Regina city council. Consequently, Regina council rejected the negative economic impact arguments put forth by the hospitality industry and a stronger by-law was passed in March 2000. However, hospitality industry opposition did not end. Industry representatives made presentations to the provincial All Party Committee on Tobacco Control, calling for a level playing field for bars and restaurants.

Challenges

The biggest challenge was dealing with hospitality industry opposition. The view among some was that the tobacco lobby deliberately spread misinformation about the economic impacts of a non-smoking by-law to try to defeat any restrictions.

Impact

In general, Regina's experience has been positive. The community has been mostly supportive and accepting. Even smokers appear to have accepted the smoking restrictions. There have been no business failings attributed to the by-law. Moreover, there have been calls for the by-law to be *strengthened* again. Polling has shown widespread support for smoke-free public places. For example, a February 2000 poll showed that 82 percent of respondents supported smoke-free indoor public places where children are permitted, while 60 percent supported all indoor public places becoming smoke-free.

Enforcement

Enforcement has not been a major problem. The number of complaints for violations has ranged from 30 to 100 a year. The complaints were higher after the by-law was strengthened, but as businesses became aware of the new measures, compliance rose. One of the major reasons for awareness and compliance has been the extensive use of signage. The placement of non-smoking signs and designated smoking signs has empowered non-smokers and appears to have made the public more accepting of the restrictions.

Costs

Costs incurred by the city were for such things as: materials (including signage), opinion surveys, public consultation and stakeholder meetings. The city's public health division paid for some of these initiatives.

Lessons learned and advice

To successfully bring forth and implement a non-smoking by-law, one must do one's homework. Proponents must earn the community's support, undertake extensive stakeholder consultation, and address economic concerns (especially the fear of potential business losses). All of these are essential in order to neutralize the efforts of opponents.

For future by-laws initiatives, non-smoking advocates in Regina have recommended getting public opinion data and stakeholders' views to policy makers early on.

Resources lacking

There was no central repository for information on non-smoking by-laws, leaving proponents to do much of the work on their own and from scratch.

(Source: Lynn Greaves, Public Health Services, Regina Health District)

Terrace Bay and Schreiber, Ontario

Population: Terrace Bay 2,320 and Schreiber 1,780, both rural.

By-law highlights: Prohibits smoking in public places where children are permitted. Allows for designated smoking rooms.

Date implemented: April 30, 2001.

Background

In 1999, all of the medical professionals in Terrace Bay and Schreiber (four doctors and one dentist) got together to bring smoke-free public places to their communities. They dubbed themselves the Smoke-Free 2000 Committee. They turned to the Thunder Bay district health unit for help.

The committee mapped out its campaign and determined it would:

- Raise awareness of the health risks of second-hand smoke;
- Recommend that local councils pass non-smoking by-laws and/or hold a plebiscite on the issue; and
- Build support by widely promoting the benefits of going smoke-free.

Consultation process

The committee decided to push for legislation that would apply only to public places *where children are permitted*. They spent several months speaking to community leaders, all the local restaurant owners, school and fire department officials, and other influential locals about the hazards of second-hand smoke. They also approached local employers, including the largest one in the area, Kimberly Clark Forests Products. The forest products company subsequently went smoke-free.

To further gauge public support, a survey was sent to every household in both communities. With the survey results in hand (showing a majority in favour of smoke-free public places where children are permitted), they made presentations to the local councils. They asked that non-smoking by-laws be drafted. Both councils said No.

The committee, however, did get a question on the issue put on the upcoming municipal election ballot.

In the November 2000 municipal election, a binding plebiscite question was placed on the ballot. At all candidates meetings, time was allotted to debate the non-smoking issue.

The plebiscite question was: "Would you support prohibition of smoking in public facilities in the Township of Terrace Bay where children have, or may have, access?" Some 70 percent voted Yes in Terrace Bay. On a similar question in Schreiber, 54 percent voted Yes.

The Smoke-Free 2000 Committee hailed the binding referenda as huge victories. Both communities had voted in favour of smoking restrictions, thus levelling the playing field for businesses.

Challenges

The councils' opposition was the first big challenge. Once the elected officials had the plebiscite results, they were supportive.

At the all candidates meetings there was some public resistance.

Funding from community partners came late, which hampered the coalition's communication strategy.

Impact

All restaurants but one went smoke-free on April 30, 2001. That lone establishment initially banned children, but reversed the policy within weeks.

The curling rink, recreation centre and high school have also gone smoke-free. None have opted for designated smoking rooms.

Smoking is permitted in bars in both communities.

Enforcement

Enforcement has not been an issue. Business owners have cooperated by removing ashtrays and posting signs. Residents have been supportive.

Costs

No cost estimate was available. The greatest costs were for resource and promotional materials, and some municipal staff time. The physicians, who formed the committee, gave their time to the initiative.

Funding

The committee members initially spent their own money on the campaign. The Thunder Bay district health unit later provided $5,300, and the Ontario Tobacco Free Network gave $2,000. Each municipality contributed about $1,700 to pay for a highway billboard campaign. Terrace Bay's recreation director contributed time to the Smoke-Free 2000 Committee's promotional efforts.

Lessons learned and advice

Try to get the support of a neighbouring community. Getting a by-law before both Schreiber and Terrace Bay councils helped to win over the hospitality sector. That sector had major concerns about the potential impact of an uneven business environment.

Put the question to residents directly if possible. The referenda were critical in earning political support.

Exclude bars from the by-law if it will result in a winning strategy.

Enlist prominent health professionals. They can provide the campaign with tremendous credibility.

Key tools and resources

Creation and placement of radio ad–Inside/ Outside–40 repetitions in the week before and the first week of by-law implementation.

Creation and placement of newspaper ad–Facts–in the week before the by-law took effect.

Creation of four highway billboards promoting local smoke-free restaurants.

(Sources: Dr. Keith Wilkes, family physician; Dean Main, Terrace Bay recreation director; Simon Hoad, of the Terrace Bay district health unit)

Vancouver, British Columbia

Population: 560,000, urban.

By-law highlights: Restaurants, bars, casinos and bingo halls must be smoke-free. Smoking permitted on outdoor patios and in enclosed, separately ventilated smoking rooms.

Date implemented: Restaurants smoke-free since May 1996; pubs and bars since April 2000.

Background

Vancouver introduced smoking restrictions in 1985 when it required restaurants to designate 25 percent of their seating space smoke-free. In 1990, this was increased to 50 percent.

In early 1994, the city's Medical Officer of Health spearheaded a move to expand smoke-free indoor public places. The Board Of Health took up the cause and urged all area municipalities to legislate smoke-free public environments. It was agreed that it would be ideal to have similar by-laws in all of the municipalities within the Lower Mainland.

In the spring and summer of 1994, Medical Officers of Health throughout the region teamed up with health charities and clean air advocates to advance the issue. The coalition received some funding from the B.C. Ministry of Health.

Part of that money was used to commission an opinion poll on attitudes towards smoke-free hospitality establishments. The poll showed that about two-thirds of respondents supported smoke-free hospitality venues. Subsequently, a draft by-law was developed and taken to all the municipalities throughout the Lower Mainland.

A report recommending a smoke-free by-law went to Vancouver City Council in December 1994. Council endorsed the by-law in principal, but asked that public consultation take place (spring of 1995).

Consultation process

A consultant was hired to conduct focus groups with various stakeholders. The groups explored "how" and "when" a smoke-free by-law could be implemented.

Among the issues identified: hospitality and tourism industry opposition (concerns about business and employment loss); municipal differences; ventilation as a "solution;" enforcement difficulties; municipal authority vis-à-vis worker health; smokers' rights; the public's right to choose.

The Clean Air Coalition (a coalition including the Heart and Stroke Foundation, the Canadian Cancer Society and the B.C. Lung Association) supported the by-law. With funding from the province, it commissioned a poll by Angus Reid that showed a healthy majority of respondents in the Lower Mainland supported non-smoking hospitality establishments. This poll was critical in earning political support for the by-law.

The coalition hired an expert to review a hospitality industry poll on the by-law, and gave the review to city council.

The coalition championed the Vancouver by-law and supported by-law initiatives in the surrounding municipalities. Coalition members organized media events and were media spokespeople, organized a letter writing campaign by doctors (more than 1,500 physicians wrote in support), provided resources to each municipality, and met with key elected officials.

The Lower Mainland Hospitality Group (LMHG) was formed by the hospitality industry to defeat the by-law in Vancouver and other initiatives throughout the Lower Mainland. The group conducted a poll. The findings supported its view that patrons should be able to choose to smoke in hospitality establishments.

The LMHG also had an economic analysis done that suggested that smoke-free by-laws would hurt business. The group proposed ventilation of smoke-filled areas as a way to achieve clean air.

At this time (September 1995), Health Canada was sponsoring a series of seminars on second-hand smoke. The LMHG appeared at the Lower Mainland seminar to promote the "ventilation solution." This happened just as the by-law was about to go back to city council. The group's appearance at the seminar raised the profile of the ventilation issue.

The Medical Health Officers and Chief Environmental Health Officers met with the LMHG to hear its concerns. They also met with the health advocacy stakeholders.

The report to council recommended smoking be prohibited in all indoor public places, but be permitted in enclosed, separately ventilated rooms (so long as workers don't have to serve in those rooms).

Following this report, city council held three evening hearings. About 100 delegations attended, roughly half for and half against. The proposal being considered was for all restaurants, bars and pubs to be smoke-free (restaurants would go in May 1996; bars and pubs in January 2000).

During this time, there were continued attempts to get all the municipalities within the Greater Vancouver Regional District to agree on a common by-law. Some did pass non-smoking by-laws, but it was not possible to get a consistent by-law across the region.

In March, 1996, council decided that pubs and bars would be required to have 30 percent of their space smoke-free as of May, 1996. By January 2000 bars and pubs had to be entirely smoke-free. (There was provision however, for both restaurants and bars to have smoking rooms, which had to be separately ventilated outside and which employees were not required to enter when there were smokers present. As well, smoking was allowed in outdoor patios.)

The Workers' Compensation Board of B.C. (WCB) proposed province-wide smoke-free regulations for restaurants, pubs and bars effective January 2000. The WCB regulations were challenged by the hospitality industry. The courts ruled that there had been insufficient consultation on the matter. After just four months, the regulations were suspended. Vancouver City Council revisited its by-law and directed bars and pubs to go smoke-free by April 2000.

Challenges

There were immediate challenges to the Vancouver by-law after it was passed in the fall of 1996. Rather than focusing on compliance, the hospitality industry focused on a legal challenge. It alleged that the by-law did not treat restaurants and bars equally. In January 1998, the courts ruled in favour of the city.

A second major legal challenge was launched by the hospitality industry in 1999. It related to the by-law's onus on proprietors to ensure that patrons didn't smoke. The city lost in the lower court and appealed to the B.C. Supreme Court. In April 2000, it ruled in favour of the city, noting that the provision was reasonable. Again, as in 1997, there was time lost in enforcement.

Impact

Vancouver's by-law has been mostly successful. About 90 percent of restaurants are said to comply, as well as a majority of bars. There are areas of the city–rough neighbourhoods, for example–where patrons and/or owners show less regard for the law.

Fewer than a dozen establishments have reportedly built smoking rooms. Most of them are in casinos, nightclubs and bars.

Enforcement

The director of environmental health is responsible for enforcement and has used existing health inspectors to undertake the enforcement. This additional responsibility has not interfered with their other work and has been cost effective. Enforcement is done primarily in response to complaints. There were about 1,000 complaints in the first year.

In 1998, after the restaurant by-law came into force and the court challenge had been dealt with, there was a significant emphasis on enforcement. It is estimated that about 90 percent of restaurants now comply. It is estimated that some 50 percent of bars comply.

There have been between 60 and 80 charges laid under the by-law. Fines have been between $100 and $200 (considered by some as the cost of doing business). Local health inspectors do not have the right to ticket. All charges are laid against proprietors.

The next step, which the chief environmental officer is recommending, is to increase the fines up to $2,000 and use a tiered system, as exists in some other municipalities. It has also been suggested that after two convictions, an offending business owner could be asked to defend his business licence.

Costs

The Clean Air Coalition spent about $150,000 leading up to the by-law (this included its work throughout the Lower Mainland). The cost of defending court challenges was not available. Enforcement costs have come from the regional health budget.

Funding

Funding was received from the provincial Ministry of Health early in the campaign (about $150,000) and was used for polling and to support Clear Air Coalition activities.

Lesson learned and advice

It was important to have one of the city councillors, in this case Lynne Kennedy, as a strong proponent of the by-law. She worked with the Medical Officers of Health, other municipalities, the public health boards and health charities. Without that combined effort, it would have been difficult to keep the initiative on track given the coordinated hospitality industry opposition.

Proponents may want to meet with experts from other jurisdictions (e.g. California), to develop arguments and strategies.

The arguments that were most successful were health related (e.g. the protection of workers' health).

Welcome support, even if that support needs to be reigned in. In this case, the group was called Air Space. It was prepared to fight vigorously.

Have media savvy people involved.

Conduct your initiative as you would a political campaign. Determine who are your supporters and get them to lobby decision-makers.

Know your community. You need a majority on your side.

Find a political champion.

Enlist public health unit champions who can challenge the opposition.

Secure vocal and visible support from health charities to lobby for the by-law and to challenge opponents.

Other governments

B.C.'s Ministry of Health provided much-needed funding.

Key tools and resources

The Clean Air Coalition compiled a resource kit that included profiles of individuals who would benefit from non-smoking by-laws (e.g. a pregnant waitress, an asthmatic child). It invited a Chamber of Commerce official from California who spoke about the benefits of smoke-free by-laws and challenged the economic loss arguments of the hospitality industry. The official appeared at various council meetings and spoke to the media.

(Sources: Lynne Kennedy, Vancouver city councillor; David March, formerly Director of the Clean Air Coalition; Domenic Losito, Director, Environmental Health, Vancouver Coastal Health Authority)

Wolfville, Nova Scotia

Population: 7,600 (3,500 at Acadia University), urban.

By-law highlights: All *indoor public* places must be smoke-free, including municipal vehicles. No exemptions (includes all drinking establishments, bingo halls and pool halls, etc.). No designated smoking rooms permitted. No smoking permitted within one metre of all public entrances and building air intakes (excludes windows).

Date implemented: January 2002.

Background

The issue of smoke-free indoor public places was initiated by Smoke-Free Kings, a committee of concerned citizens, municipal councillors, municipal staff, and public health representatives. Previously, Smoke-Free Kings had focused on youth and tobacco and, to a lesser extent, cessation efforts. In 2000, it decided to broaden its focus to include indoor public places.

Smoke-Free Kings drafted a sample by-law and presented it to Wolfville as well as the neighbouring towns of Kentville, Berwick and municipality of the County of Kings. Wolfville, under the leadership of Mayor Robert Stead and Deputy Mayor Robert Wrye, presented the issue and a draft by-law to Wolfville residents on May 22, 2001.

Wolfville made it clear at the outset that there would be no exceptions to its by-law. Officials from the Legion, for example, asked that it be considered a private club and therefore exempted. The town said no.

Consultation process

A 1997 regional survey found that a majority of residents believed that second-hand smoke was a health risk and supported making arenas, shopping malls, bowling alleys, restaurants, bingo halls and bars smoke-free environments. Proponents of the by-law used this survey.

The town held two public meetings. On May 22, 2001, it presented the issue and received input. On June 18, 2001, the by-law was introduced at town council and further public input was received. The by-law was amended only slightly and on July 16, 2001, the by-law was passed. The by-law was scheduled to take effect in September 2001, but implementation was moved to January 2002 to allow the community more time to prepare.
A full range of opinions was sought. From the beginning, however, the town indicated that it

would not entertain repetitive presentations. Those who supported earlier presentations were asked to limit their comments to new points, and instructed to not repeat arguments that had already been made.

Early on, some business operators were openly hostile to the proposed by-law and threatened the town with legal action. The threats were subsequently dropped but several businesses continued to try to defeat the by-law.

Impact

Following Wolfville's leadership, the towns of Kentville and Berwick are each scheduled to enact smoke-free public places by-law in April 2002. The municipality of the County of Kings has said it will wait for the province of Nova Scotia to enact provincial legislation before it proceeds in this area.

Wolfville's initiative was assisted by efforts at Acadia University to make student and faculty lounges smoke-free (academic facilities had gone smoke-free several years prior). Lounge operators noted that prohibiting smoking would not just benefit employee and student health, but would also substantially reduce cleaning and maintenance costs.

The Legion, which had opposed going smoke-free, has held several bingo events since Wolfville's by-law came into force. The crowds reportedly have been larger than before as more families with children are attending.

Enforcement

Mayor Stead estimates that the compliance rate is at about 90 percent. Owners of several establishments were warned in January that they were contravening the by-law and were told they would be ticketed the next time.

Other than some vulgarity and a temporary decline in sales, Les Falconer, the owner of five Tim Horton's restaurants–which voluntarily went smoke-free in March 1998–has had no enforcement difficulties. He provides customers with comment cards to allow those offended by the restrictions to convey their displeasure.

Costs

The town spent about $500 on legal costs to draw up its by-law. It spent another $500 for signage.

Funding

Smoke-Free Kings' by-law committee received funding from the Nova Scotia Health Ministry, the community's board of health and health charities. The committee found it advantageous to hire a coordinator at $15.75 an hour to work 50 to 80 hours a month to support the by-law initiative.

Lessons learned and advice

Have a well-organized, committed and energetic by-law committee, comprised of locals.

Committee members should be prepared to get out, speak often and be tireless in countering opposition arguments.

The process of developing a smoke-free by-law and getting it passed involves an enormous amount of work. It is demanding and intense, and committee members need the complete support of their superiors if they're juggling by-law work with their regular workload.

Understand the municipal by-law process. Enlist a local organizer who can help.

Develop a timeline for your by-law, but don't be surprised when things change. Set goals and clarify roles.

People will bring a host of skills and strengths to this endeavour. Be sure to find out what they are and make the best use of them.

The opposition will be loud, emotional and more organized than you imagined. Arguments will be based on fear, misinformation, and distrust of (if not disdain for) government and health advocates.

Stay positive and have a sense of humour if you want to keep up your energy.

Find people with experience on the issue, and learn as much as you can from them. Places to start: provincial tobacco control unit; public issues staff at health charities.

Ideally, supporters should include a broad cross section of interests and concerns, including businesses *and smokers*. Prominent community members are important, but having community members who are not tied to health organizations is too.

Develop a communications strategy early on. Find volunteers with communications experience and enlist their support.

Build relationships with local council members. Ensure that they are completely aware of the benefits of the by-law. Understand any concerns that they may have and address those concerns immediately. Be persistent–call or meet with them regularly. But don't discredit yourself by being annoying or strident.

Involve council members and key municipal staff members whenever you can. The right person(s) can move the issue forward and influence others.

Remember that elected officials must be absolutely convinced that a non-smoking by-law will win them more votes than it will cost them.

Having at least one leader or champion on council is critical. Wolfville had two: its mayor and deputy mayor were passionate and committed to the by-law. They were able to guide the process in Wolfville and were able to positively influence two neighbouring municipalities. In Wolfville, the by-law passed by a vote of five to two.

Although much has been made of the level playing field argument, give credit to politicians and community members who have the courage to act first. Leverage their leadership position.

Rather than try to satisfy every grievance and respond to every argument, town officials chose to leave some arguments unanswered. Instead, opponents were told that in some cases individual freedoms are given over to the greater good.

In the absence of hard evidence, reject the argument that business will be lost over the long term. Refer to the vast amount of research that challenges that premise and the experience that indicates otherwise.

Don't be worn down by a protracted debate once concerns have been aired. State that you are not prepared to dilute your by-law.

Some innkeepers in Wolfville were unhappy with the proposed by-law's requirement that smokers be five meters outside of inn entrances before lighting up. Council reduced the requirement to one meter. That concern could have dealt with earlier and been isolated from general opposition to the by-law.

The town should have held a meeting *a month after the by-law was passed* to deal with lingering criticism, and to encourage establishment owners to begin training staff and informing clients of the upcoming changes.

Town officials underestimated the amount of legwork that had to be done and the time it took to do it. It should have allowed at least two months (not one month) to distribute signs and conduct public awareness. It also should have offered, free of charge, by-law education sessions to establishment owners, operators and staff.

Get the word out–in presentations to business groups, free and paid media, and public meetings. Once the public is aware of the by-law and understand it, most will comply.

In the early months of enforcement, expect some negative feedback and even personal criticism, people can be testy and testing. Don't renew the debate. Take the high road and move on.

Key resources

Health impact review by the Ontario Tobacco Research Unit.

GPI Atlantic's economic impact review.

Ontario Campaign Against Tobacco, information on legal challenges.

Members of the community who helped draft and distribute position papers and letters responding to opponents.

(Sources: Mayor Robert Stead; Business owner Les Falconer (owner of five Tim Horton's operations in Wolfville/Kentville area); Canadian Cancer Society representative Steve Machat (public issues coordinator, N.S. division); District Health Centre Health Promotion Co-ordinator Nancy McBay; Smoke-Free Kings working group)

Waterloo Region, Ontario

Population: 450,000, urban cities and rural townships. Cities are: Waterloo, Cambridge, Kitchener. Townships are: North Dumfries, Wilmot, Wellesley and Woolwich.

By-law highlights: Smoke-free public places, no designated smoking rooms. Includes bars and restaurants, bingo halls and places of amusement. Amended April 2000 to put the onus for compliance on bar and restaurant owners. Amended February 2002 to remove unclear wording.

Date implemented: November 1996; January 2000.

Background

In November, 1996, the region required that 50 percent of restaurants and 25 percent of bars, amusement places and bingo halls be smoke-free.

In January 2000, six of the seven region's municipalities required that all public places be smoke-free, including universities, bingo halls and amusement places. Wellesley did not approve the by-law because it did not support the smoke-free implementation date.

Consultation process

In Waterloo Region, getting the by-law passed took 3.5 years. The bulk of public consultation took place in July 1995 and April 1996. During the initial public consultation, proponents set up a tobacco hotline and promoted it in a newspaper ad; conducted a stakeholder survey and conducted a shopping mall survey (338 surveys were completed).

Subsequently, presentations were made to each of the seven municipalities and mayors were able to give feedback. Some 44 delegations to a public forum were received in April, 1996 and the vast majority were strongly in favour of restrictions on smoking in public places. The Council for a Tobacco-Free Waterloo (CTFWR) mobilized a youth delegation to present to Regional Council.

From March 1996 to September 1996, the CTFWR took several initiatives to mobilize public support including:

- Submitting letters to the editor and encouraging media coverage of the issue;
- Launching a postcard campaign;
- Taking out radio and newspaper ads; and
- Co-ordinating a network of 85 letter writers and telephone callers to lobby councillors.

Challenges

One of the biggest challenges was enforcement. Enforcement officials underestimated the opposition they would receive from bar owners and patrons. Initially, they encountered intense hostility from some bar owners, as well as false accusations of being assaulted. Some bar owners gave these accusations to the media. Subsequently, any complaint about enforcement had to be made in writing. Not a single written complaint was filed.

A pub at the University of Waterloo wanted to be excluded from the by-law because it claimed to be a private club. Enforcement officials noted that the pub was open to any member of the public. After relaying this information to the student council, the university president, and the dean of health sciences, the pub's management agreed that the establishment would be covered by the by-law. Wilfrid Laurier University went smoke-free as of January 2000.

Bingo halls challenged the by-law's provision that places the onus for compliance on owners. The Courts dismissed the challenge.

In February 2002, a justice of the peace ruled that parts of the region's by-law were so poorly worded that they were unenforceable. It prompted the court to dismiss a charge against a bar. Regional council responded by amending the by-law to remove the outdated wording that had confused the court. It also appealed the dismissed charge to a higher court and stressed that the by-law would continue to be applied with the usual full force.

The region is also considering removing a by-law exemption that permits smoking at private functions. Councillors are concerned because it appears that too many people are abusing it. The exemption was meant to cover private events held at public places, such as wedding receptions. However, some people are trying to secure exemptions on a regular basis, and some patrons are going from non-smoking bar areas into private function areas in order to smoke.

Enforcement

About 2,000 premises are covered by the smoke-free by-law. Enforcement staff divided the establishments into high and low priority premises. They visited all high priority premises before January 2000, and all low priority premises throughout 2000. High priority premises included establishments that were known to have a large number of smoking patrons (for example, bars located in economically disadvantaged areas) and establishments whose owners were known to be less than supportive of the by-law.

During January and February 2000, three staff members spent all of their time on by-law enforcement. Five additional staff responded to telephone calls from the public, recorded complaints, and educated the public. At the end of February, three municipal tobacco law enforcement officers were hired. Another 22 municipal staff (public health inspectors) were reassigned to boost enforcement efforts.

By March 2000, Waterloo had achieved a 90 percent compliance rate. Fewer than 2 percent of establishments caused significant concerns.

In 2001, the region charged 338 individuals. Of these, 291 people were convicted and fined up to $245. The court dismissed four charges. The region withdrew two charges. The remaining are awaiting resolution through trial or plea.

Also in 2001, the region charged 57 business owners for failing to enforce the by-law. Of these, 14 owners were convicted, with fines ranging from $250 to $2,500. The remaining cases have yet to be resolved.

Success in Waterloo Region has come largely through its work with the region's police department. Police trained by-law enforcement officers to handle confrontational and potentially dangerous situations. Police accompanied enforcement officers into hard-to-enforce premises. By-law enforcement officials were able to contact police and receive immediate backup support when necessary.

Enforcement officer training

Enforcement officers were trained to deal with people with addictions and shown how to assess risky situations (including determining when they should leave a premise).
Enforcement officers were advised to work in teams of three or four, for better safety.
Experience showed that the overwhelming majority of by-law infractions occurred after 9 p.m. Officers were scheduled in four shifts: 8:30 a.m.-2:30 p.m.; 1 p.m.-9 p.m.; 4 p.m.-12 a.m.; and 6 p.m.-2 a.m.

Enforcement officers were advised to wear a uniform.

Onus for compliance

Initially, establishment owners were only responsible for posting the appropriate signs and removing ashtrays. This left the health department with the responsibility of enforcing the by-law. Placing the onus for compliance on patrons meant enforcement staff sometimes had to deal with patrons who may have had too much to drink and/or were abusive. The by-law was amended in April 2000 to put the onus for compliance on bar and restaurant owners.

Enforcement costs

In the first two months of 2000, $119,057 in staff time was spent to support by-law enforcement. This figure includes the salaries and benefits of the 26 designated by-law enforcement officers, plus three additional enforcement officers (in February 2000, three municipal tobacco law enforcement officers were hired) and five support staff.

The community health department purchased three two-way radios for enforcement officers to communicate with the police department, for $6,000.

Developing an enforcement plan

The region's legal services division played an important role in ensuring effective by-law enforcement. They examined the by-law to interpret "gray" areas; proposed options for dealing with blatant non-compliance; gave advice on the ticketing process and evidence gathering; and reviewed information material and warning letters distributed to owners.

Funding

A small grant was received from the Community Action Initiative to educate youth about the dangers of second-hand smoke (1996). In addition, $35,000 was received from the Action on Heart Health Network (1999) and $258,000 from the provincial Ministry of Health (1999).

Lessons learned and advice

The Council for a Tobacco-Free Waterloo Region focused heavily on educating the public about the proposed by-law to earn public and political support.
Be sure to educate the non-governmental organizations in your area about the advocacy role they need to play during a smoke-free initiative. At times, there may be a conflict between a non-governmental organization's sources of funding and the adversarial position they may be required to take during an initiative.

It had to step up its efforts at regional council meetings to ensure support.

Proponents established awards for owners who were in compliance, and mobilized youth for public forums. Both efforts drew positive media coverage at crucial times in the initiative.

Develop an enforcement plan. Ensure that owners are responsible for compliance.

Set aside sufficient time to train enforcement officers. Involve local police, if possible.

For an in-depth discussion of key insights and recommendations from the Waterloo experience, see pp. 33-48 of the Waterloo Region's Smoking By-law Implementation Report, Waterloo Region Community Health Department, June 2000. NOTE: copies of this report are available for free from the Program Training and Consultation Centre (PTCC) at 1-800-363-7822.

Key tools and resources

Speaking with experts in the field to understand the process.

A cooperative police department.

Economic impact studies from Nova Scotia, Australia and the U.S..

Resources such as templates and research data were lacking, as was provincial sales tax data from communities that have gone smoke-free. Such data is essential to dispute economic arguments made by the hospitality industry.

(Sources: Interview with Brian Hatton, Director, Environmental Health & Lifestyle Resources Division, Waterloo Region Community Health Department, Waterloo Region's Smoking By-law Implementation Report, Waterloo Region Community Health Department, June 2000. NOTE: copies of this report are available from the Program Training and Consultation Centre (PTCC) at 1-800-363-782; Interview with Susanne Santi, community advocate, researcher and author of A Promotional Campaign to Support Implementation of the Smoke-Free By-Law in Waterloo Region–Council for a Smoke-Free Waterloo Region, 2000)

Part 5
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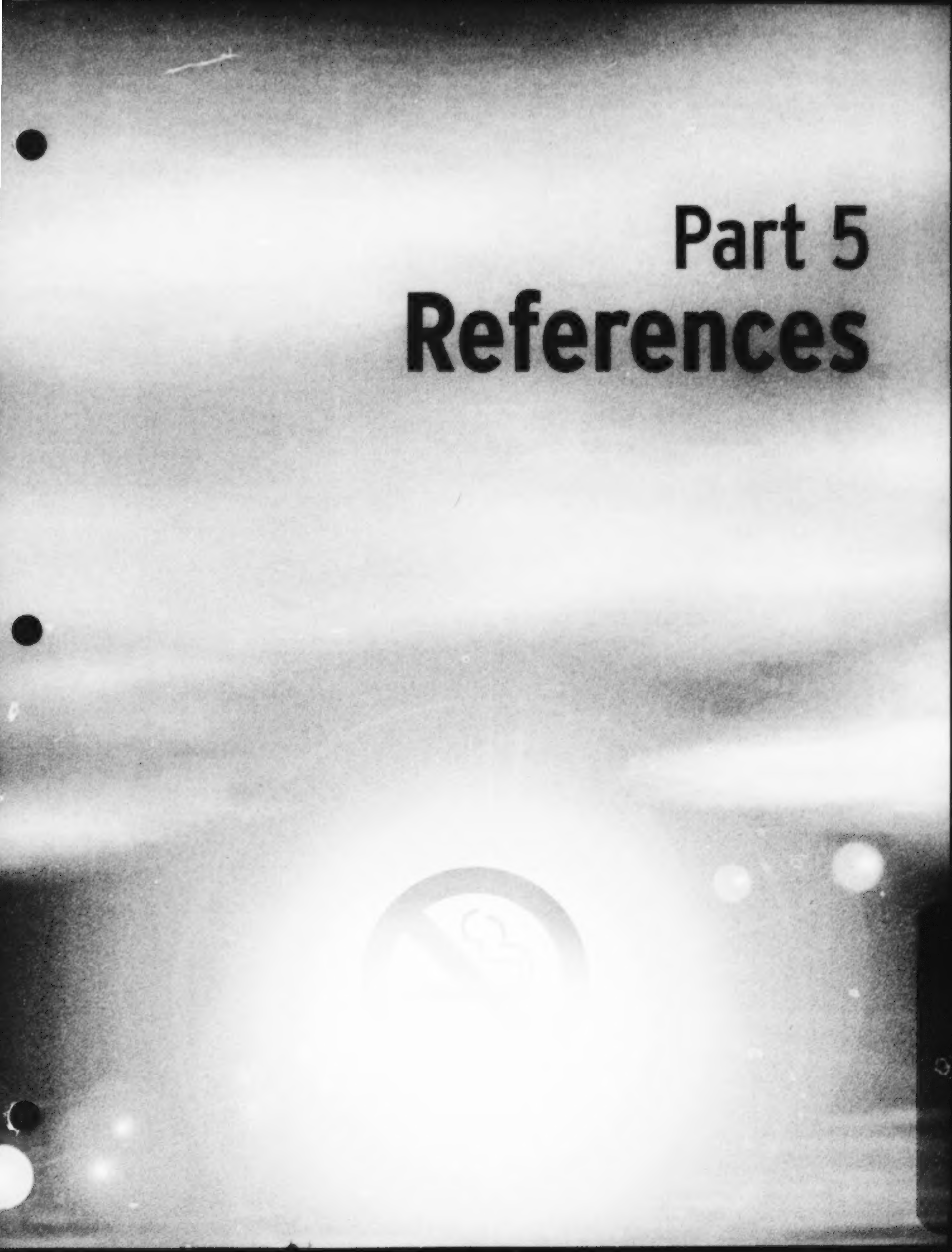

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